

**Willy J. Dalid**

June 10, 2015

NANCY ROELL

v.

HAMILTON COUNTY, OHIO BOARD OF COMMISSIONERS, et al.

1:14-CV-637



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1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

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5 \_\_\_\_\_ )  
6 NANCY ROELL, as executrix of the )  
7 Estate of Gary L. Roell, Sr., )

8 Plaintiff, )

9 vs. )

10 HAMILTON COUNTY, OHIO )  
11 BOARD OF COMMISSIONERS, )  
12 et al., )

13 Defendants. )  
14 \_\_\_\_\_ )

CASE NO.  
1:14-CV-637

15 Deposition of: WILLY J. DALID

16 Pursuant to: Notice

17 Date and Time: Wednesday, June 10, 2015  
18 10:06 a.m.

19 Place: Hamilton County  
Prosecutor's Office  
230 East Ninth Street  
Suite 4000  
Cincinnati, Ohio 45202

20 Reporter: Kelly A. Graff  
21 Notary Public - State  
of Ohio

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1 I N D E X

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3 WILLY J. DALID PAGE

4 EXAMINATION BY MS. GONZALES-MARTIN 5

EXAMINATION BY MS. SEARS 104

5 FURTHER EXAMINATION

BY MS. GONZALES-MARTIN 193

6 FURTHER EXAMINATION BY MS. SEARS 199

FURTHER EXAMINATION

7 BY MS. GONZALES-MARTIN 201

FURTHER EXAMINATION BY MS. SEARS 202

8 FURTHER EXAMINATION

BY MS. GONZALES-MARTIN 202

9

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EXHIBITS MARKED REFERENCED

11

PLAINTIFF'S EXHIBIT 2 - 193

12 PLAINTIFF'S EXHIBIT 7 - 193

PLAINTIFF'S EXHIBIT 11 - 36

13 PLAINTIFF'S EXHIBIT 12 - 37

PLAINTIFF'S EXHIBIT 15 - 196

14 PLAINTIFF'S EXHIBIT 18 30 30

PLAINTIFF'S EXHIBIT 19 34 34

15 PLAINTIFF'S EXHIBIT 20 67 67

PLAINTIFF'S EXHIBIT 21 83 83

16 PLAINTIFF'S EXHIBIT 22 88 88

17 DEFENDANTS' EXHIBIT K - 113

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- - -

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1 WILLY J. DALID

2 a witness herein, having been duly sworn, was  
3 examined and deposed as follows:

4 EXAMINATION

5 BY MS. GONZALES-MARTIN:

6 Q. Would you please state your name?

7 A. Willy Dalid.

8 Q. Middle name?

9 A. John.

10 Q. What's your highest level of  
11 education?

12 A. High school.

13 Q. Where did you go?

14 A. Winton Woods High School.

15 Q. Winton Woods?

16 A. Yes.

17 Q. When did you graduate?

18 A. '94.

19 Q. Do you have prior law enforcement  
20 experience?

21 A. Yes, ma'am.

22 Q. Explain that.

23 A. State highway patrol.

24 Q. What year did you work for them?

25 A. 1999.

1 Q. Until when?

2 A. The end of 1999 or 2000, I guess.

3 Q. Did you go through their academy?

4 A. Yes, ma'am.

5 Q. When?

6 A. '99.

7 Q. Where?

8 A. Ohio State Highway Patrol in Columbus,  
9 Ohio.

10 Q. How long was that academy?

11 A. Seven months.

12 Q. Is that OPOTA training?

13 A. No, ma'am. State patrol, state  
14 training.

15 Q. Why did you leave the highway patrol?

16 A. I was in Lima, Ohio and lived too far  
17 away from home.

18 Q. Were you disciplined?

19 A. No, ma'am.

20 Q. Do you have any other law enforcement  
21 experience before the Hamilton County Sheriff's  
22 Office?

23 A. I worked at Lincoln Heights Police  
24 Department.

25 Q. When was that?

1 A. That was in 2001.

2 Q. How long did you work there?

3 A. I believe the end of 2001, beginning of  
4 2002.

5 Q. So less than a year?

6 A. Yes, ma'am.

7 Q. Why did you leave?

8 A. I wasn't OPOTA certified. I was only  
9 state certified.

10 Q. Were you disciplined?

11 A. No, ma'am.

12 MS. SEARS: Can I just object,  
13 continuing objection, Jackie?

14 That way I won't have to interrupt you  
15 anymore about any questions regarding  
16 discipline with regard to relevance to the  
17 excessive force claim and then I won't have  
18 to interrupt you.

19 BY MS. GONZALES-MARTIN:

20 Q. So were you disciplined at Lincoln  
21 Heights?

22 A. No, ma'am.

23 Q. And were you fired from  
24 Lincoln Heights?

25 A. No, ma'am.



1 Q. Any other law enforcement experience  
2 before Hamilton County?

3 A. Corrections, which is Hamilton County,  
4 yes, ma'am. That was 2004.

5 Q. What was 2004?

6 A. Hamilton County.

7 Q. You were hired in Hamilton County in  
8 2004?

9 A. Yes, ma'am.

10 Q. Into the corrections department?

11 A. Yes, ma'am.

12 Q. What is your present job?

13 A. I work for patrol division for Hamilton  
14 County.

15 Q. When were you promoted to patrol?

16 A. June 5, 2012.

17 Q. What did you have to do to be promoted  
18 to patrol?

19 A. Took a test, a test, physical, yes,  
20 ma'am.

21 Q. Did you pass the test the first time?

22 A. Yes, ma'am.

23 Q. Did you pass the physical the first  
24 time?

25 A. Yes, ma'am.

1 Q. Prior to August 13, 2013, you had  
2 corrections training that your lawyer reviewed  
3 with Deputies Huddleston and Alexander last week  
4 right?

5 A. Yes, ma'am.

6 Q. And like Huddleston and Alexander, your  
7 training included interpersonal communications  
8 training?

9 A. Yes, ma'am.

10 Q. And from that training, you knew how to  
11 make observations of the subject's emotions and  
12 to make inferences about them?

13 A. Yes, ma'am.

14 Q. And it included crisis situations?

15 A. Yes, ma'am.

16 Q. Like Huddleston and Alexander, your  
17 training included mental health response?

18 A. I did not get any mental health  
19 responses. What do you mean responses?

20 Q. You were trained to respond to people  
21 having a mental health crisis?

22 A. Oh. Yes, ma'am.

23 Q. And from that training, you knew that  
24 mental illness is a medical condition, right?

25 A. Yes, ma'am.

1 Q. And actions of a subject in a mental  
2 health crisis are often not intentional, but  
3 symptoms of a medical problem --

4 MS. SEARS: Objection.

5 BY MS. GONZALES-MARTIN:

6 Q. -- right?

7 A. Can you repeat that?

8 Q. The actions of a subject in a mental  
9 health crisis are often not intentional, but  
10 symptoms of a medical problem?

11 A. Not all, no.

12 Q. You've learned in your training that  
13 someone in a mental health crisis might not be  
14 acting intentionally --

15 A. Right.

16 Q. -- bizarrely?

17 A. Correct.

18 Q. In a certain way it's often that  
19 they're having a medical crisis, right?

20 A. No, they're not having a medical  
21 crisis. They're having -- they're not speaking  
22 right or talking, that's not medical, that's just  
23 maybe something is wrong with them.

24 Q. They're exhibiting symptoms of a  
25 medical --

1 A. Correct.

2 MS. SEARS: Deputy, can I just tell  
3 you, Ms. Gonzales-Martin speaks very quickly  
4 and you speak very quickly, maybe even  
5 quicker than me. I'm not sure. We'll let  
6 the court reporter be the judge of that.  
7 But you're not letting her finish her  
8 questions.

9 Take a breath, let Ms. Gonzales-Martin  
10 finish her questions, and then answer.  
11 Okay?

12 THE WITNESS: Yes, ma'am, okay.

13 Sorry.

14 BY MS. GONZALES-MARTIN:

15 Q. So you'd agree that a person in a  
16 mental health crisis is exhibiting symptoms of  
17 their medical condition?

18 A. Yes.

19 MS. SEARS: Objection.

20 BY MS. GONZALES-MARTIN:

21 Q. And from that training, you knew that a  
22 lot more mentally ill people are living in the  
23 community nowadays since we, as a society, have  
24 stopped institutionalizing people with mental  
25 illness?

1 MS. SEARS: Objection.

2 A. In society? Yeah, there is. Most of  
3 them are. Not all of them, but --

4 BY MS. GONZALES-MARTIN:

5 Q. And like Huddleston and Alexander, you  
6 had taser training?

7 A. Yes, ma'am.

8 Q. And your training on tasers included  
9 excited delirium?

10 A. Yes, ma'am.

11 Q. And you had general training on excited  
12 delirium, correct?

13 A. Yes, ma'am.

14 Q. You knew, prior to August 13, 2013,  
15 that excited delirium is a medical condition that  
16 presents itself as a law enforcement problem?

17 MS. SEARS: Objection as to the  
18 characterization of law enforcement  
19 problem.

20 A. Yeah, we've had training on it, yes.

21 BY MS. GONZALES-MARTIN:

22 Q. You knew that excited delirium is a  
23 life-threatening emergency?

24 MS. SEARS: Objection as to -- I mean,  
25 if you know that it is, you can answer or

1 not.

2 A. I don't know that, but it's in the  
3 training curriculum.

4 BY MS. GONZALES-MARTIN:

5 Q. You knew that early advanced  
6 coordination with EMS is key in an excited  
7 delirium situation, correct?

8 MS. SEARS: Objection.

9 A. Can you repeat that?

10 BY MS. GONZALES-MARTIN:

11 Q. You knew that early advanced  
12 coordination with EMS is key in an excited  
13 delirium situation?

14 MS. SEARS: Objection as to key.

15 A. It's not key. I mean, you have to have  
16 staff on there. You have to have medical staff.

17 But --

18 BY MS. GONZALES-MARTIN:

19 Q. You took training on excited  
20 delirium?

21 A. Correct.

22 And that's what it says in our  
23 training, correct.

24 Q. You knew that a lot of backup is needed  
25 in an excited delirium situation?

1 MS. SEARS: Objection.

2 A. Not at that moment, no.

3 If it's in front of us, then  
4 we can't -- we have to control the subject, the  
5 suspect. It's not right off -- you know, we  
6 don't know that if he's experiencing excited  
7 delirium or not. He can be experiencing  
8 anything.

9 BY MS. GONZALES-MARTIN:

10 Q. The Hamilton County Sheriff's Office  
11 training on excited delirium recommends six  
12 officers on scene before approaching the subject,  
13 correct?

14 MS. SEARS: Objection.

15 A. Yes.

16 BY MS. GONZALES-MARTIN:

17 Q. And that's all true whether the excited  
18 delirium is caused by a mental illness or drugs,  
19 correct?

20 MS. SEARS: Objection as to what's all  
21 true.

22 A. On what?

23 BY MS. GONZALES-MARTIN:

24 Q. What we just talked about, the EMS,  
25 having extra officers on hand, that's true

1 whether the excited delirium is caused by a  
2 mental health crisis or by drugs, correct?

3 A. Yes.

4 Q. And like Huddleston and Alexander,  
5 before August 13, 2013, you had use-of-force  
6 training?

7 A. Yes, ma'am.

8 Q. And you knew how to assess factors for  
9 use of force, including the severity of the  
10 crime?

11 A. Yes, ma'am.

12 Q. Whether the subject was fleeing or  
13 resisting?

14 A. Yes, ma'am.

15 Q. The subject's mental condition?

16 A. How we control them or -- what are your  
17 questions about? Do we have training on those?

18 Q. You were trained when assessing the  
19 factors for applying use of force?

20 A. Right.

21 Q. To consider the mental condition of the  
22 subject?

23 A. Correct.

24 Q. And you have to constantly reassess and  
25 adjust according to the totality of the



1 circumstances?

2 A. Correct.

3 Q. And the more you know about a subject  
4 before you engage, the better, right?

5 A. Yes.

6 Q. But when you don't know much about a  
7 subject, you have to rely on your training to  
8 react appropriately, correct?

9 A. Correct. We have to know what the  
10 subject is doing.

11 Q. So you have to make observations and  
12 adjust quickly?

13 A. Right.

14 Q. And lay people aren't trained in  
15 excited delirium and use-of-force continuum,  
16 correct?

17 A. Who is it?

18 MS. SEARS: Objection.

19 BY MS. GONZALES-MARTIN:

20 Q. Lay people, me, people who aren't  
21 police officers.

22 MS. SEARS: Objection.

23 A. Repeat that question.

24 BY MS. GONZALES-MARTIN:

25 Q. Lay people who aren't police officers

<http://www.yeslaw.net/help>

1 don't get training -- specialized training that  
2 you have in use of force in excited delirium,  
3 correct? That's special training that you've got  
4 as a police officer?

5 MS. SEARS: Objection.

6 A. They can. I mean, you can yourself, is  
7 that what you're trying to say? I don't know  
8 what the -- so no.

9 BY MS. GONZALES-MARTIN:

10 Q. Using force in excited delirium  
11 response are things that you're uniquely prepared  
12 for as a police officer, correct?

13 MS. SEARS: Objection as to uniquely  
14 prepared.

15 A. Yes.

16 BY MS. GONZALES-MARTIN:

17 Q. On August 13, 2013, you encountered  
18 Gary Roell, correct?

19 A. Yes.

20 Q. Mr. Roell appeared to be having a  
21 mental health crisis when you encountered him,  
22 right?

23 A. I don't know that.

24 Q. You used force on Gary Roell?

25 A. To control him, correct.

1 Q. And he died following the use of force,  
2 correct?

3 MS. SEARS: Objection.

4 A. He passed after.

5 BY MS. GONZALES-MARTIN:

6 Q. The coroner ruled the cause of death  
7 was excited delirium, correct?

8 MS. SEARS: Objection.

9 If you know.

10 A. I don't know that.

11 MS. GONZALES-MARTIN: Pam, if you know  
12 is --

13 MS. SEARS: I said objection, if you  
14 know, you can answer, is what I said.

15 MS. GONZALES-MARTIN: And if you know  
16 is coaching your witness.

17 MS. SEARS: I'm sorry. Maybe I didn't  
18 complete the sentence because then you  
19 interrupted but -- and maybe I didn't, I was  
20 writing and saying. But objection, if you  
21 know, you can answer, is what my instruction  
22 would be to the client -- to my client.

23 MS. GONZALES-MARTIN: But telling the  
24 client, if you know, is coaching the client  
25 and that's not allowed.

1 MS. SEARS: Okay.

2 But you can answer if you know. Did  
3 you answer the question?

4 THE WITNESS: I did already.

5 MS. SEARS: Okay. I didn't hear it  
6 because I was listening to Ms. Gonzales.

7 MS. GONZALES-MARTIN: If you could stop  
8 telling him, if you know. That is coaching  
9 him.

10 MR. GERHARDSTEIN: Just do a general  
11 objection for --

12 MS. SEARS: I understand, but I  
13 disagree.

14 MS. GONZALES-MARTIN: If you could,  
15 give him a general objection that if he  
16 doesn't know, he shouldn't answer.

17 MS. SEARS: You would rather I say,  
18 objection, if you don't know, don't answer?

19 MS. GONZALES-MARTIN: I would prefer if  
20 you would follow the rules for objecting in  
21 a deposition, which is to just place an  
22 objection.

23 MR. KUNKEL: Does the general public --  
24 are they trained in use of force, how would  
25 he know?

1 MR. GERHARDSTEIN: She's doing the  
2 deposition.

3 MR. KUNKEL: You're talking.

4 MS. SEARS: I understand what you're  
5 saying. I'll create the record I need to  
6 create.

7 I understand how to object, I  
8 understand the rules of civil procedure, I  
9 understand the the rules of criminal  
10 procedure, and I understand the rules of  
11 evidence, okay.

12 And so and this is not my first rodeo,  
13 okay? So I understand your objection.

14 MS. GONZALES-MARTIN: Could you please  
15 mark this in the record?

16 BY MS. GONZALES-MARTIN:

17 Q. Are you aware that the coroner ruled  
18 that the cause of death in this case was excited  
19 delirium?

20 A. I was not.

21 Q. Do you have any reason to disagree with  
22 the cause of death being excited delirium?

23 MS. SEARS: Objection.

24 A. Do I have what now?

25 BY MS. GONZALES-MARTIN:

1 Q. Any reason to disagree that the cause  
2 of death was excited delirium?

3 A. I'm not a medical field, so --

4 Q. Were you criminally prosecuted for any  
5 of your acts involving Mr. Roell?

6 A. No.

7 Q. Were you disciplined by the  
8 Hamilton County Sheriff's Office for the way you  
9 handled the incident with Mr. Roell?

10 A. No.

11 Q. Were you provided any retraining based  
12 on the way you handled the incident with  
13 Mr. Roell?

14 A. Retraining as in after the incident?

15 Q. Yes.

16 A. We did a couple of things, but just  
17 online stuff.

18 Q. Was it as a result of your actions with  
19 Mr. Roell?

20 A. No.

21 Q. Were you -- are you aware of any policy  
22 changes at Hamilton County Sheriff's Office as a  
23 result of the events involving Mr. Roell?

24 A. No, I don't.

25 Q. On August 13, 2013, did you follow

1 Hamilton County Sheriff's Office use-of-force  
2 policy --

3 A. Yes.

4 Q. -- regarding -- on August 13, 2013, did  
5 Deputies Huddleston and Alexander -- well, I'm  
6 sorry -- on August 13, 2013, did  
7 Deputy Huddleston follow Hamilton County  
8 Sheriff's Office taser policy regarding  
9 Mr. Roell?

10 MS. SEARS: Objection.

11 A. Yes.

12 BY MS. GONZALES-MARTIN:

13 Q. You never tried to stop  
14 Deputy Huddleston from using the taser --

15 MS. SEARS: Objection.

16 BY MS. GONZALES-MARTIN:

17 Q. -- correct?

18 A. No.

19 Q. On August 13, 2013, did you and  
20 Deputies Huddleston and Alexander follow your  
21 Hamilton County taser training regarding your use  
22 of force on Mr. Roell?

23 A. Yes.

24 Q. On August 13, 2013, did you follow  
25 Hamilton County Sheriff's Office policy regarding

1 encountering people with mental illness?

2 MS. SEARS: Objection. So I would just  
3 make a continuing objection, so I don't have  
4 to interrupt you anymore, to questions  
5 regarding policies and the training and the  
6 extent to which in this incident they  
7 followed those things for purposes of the  
8 excessive force claim. Okay? And then I  
9 won't have to interrupt you anymore.

10 A. Yes.

11 BY MS. GONZALES-MARTIN:

12 Q. Did you follow, on August 13, 2013,  
13 Hamilton County Sheriff's Office excited delirium  
14 training?

15 A. Yes.

16 Q. And did you also follow Hamilton County  
17 Sheriff's Office restraint and cuff policy?

18 A. Yes.

19 Q. Did you follow the custom and practice  
20 of the Hamilton County Sheriff's Office with  
21 respect to your use of force on Mr. Roell?

22 A. Custom and practice?

23 Q. The custom and practice at Hamilton  
24 County Sheriff's Office with respect to use of  
25 force as you know it, did you follow it?



1 A. Yes.

2 Q. And did you do anything wrong with  
3 respect to your use of force on Mr. Roell?

4 MS. SEARS: Objection.

5 A. No.

6 MS. SEARS: Give me time to object.

7 Okay?

8 THE WITNESS: Yes, ma'am. Sorry.

9 BY MS. GONZALES-MARTIN:

10 Q. Did you leave the Ohio State Highway  
11 Patrol without a new job lined up?

12 A. Yes.

13 Q. And when did you leave?

14 A. 2000 -- yeah, 2001, '99, 2001.

15 Q. What month?

16 A. I don't remember.

17 Q. What time of year? And when did you  
18 start your next job?

19 A. I was actually -- I was actually  
20 working with Coffee Break Services.

21 Q. So are you saying you weren't without a  
22 job?

23 A. No, I was not without a job, no. Not a  
24 police job, just a regular job.

25 Q. When you left Lincoln Heights, did you

1 have another job lined up?

2 A. I was still working, correct, yes.

3 Q. Where were you working at that time?

4 A. Coffee Break.

5 Q. What's it called?

6 A. Coffee Break Services.

7 Q. What's that?

8 A. It's a vending place, vending water,  
9 coffee distributors.

10 MR. GERHARDSTEIN: Oh, that was years  
11 before.

12 BY MS. GONZALES-MARTIN:

13 Q. When I asked you about retraining, you  
14 said you did a couple of things. What did you  
15 do?

16 A. Online stuff like retraining on  
17 domestic violence, I believe autism. And the  
18 rest I don't remember. It's been a while.

19 Q. When was the last time you had  
20 training?

21 A. The last one was domestic about a  
22 couple months ago maybe. That was the last one  
23 we had.

24 Q. On August 13, 2013, what were you doing  
25 before your encounter with Mr. Roell?

1           A.    I was helping out with a rollover crash  
2    on 275 and Montgomery.

3           Q.    Is that the same crash that  
4    Deputies Huddleston and Alexander were --

5           A.    Yes, ma'am.

6           Q.    -- responding to?

7           A.    Yes, ma'am.

8           Q.    Try and let me finish.

9           A.    Sorry.

10          Q.    The court reporter will get on us.

11               And how did you first get involved with  
12   the incident involving Mr. Roell?

13          A.    I was last at the scene of the  
14   rollover. When I walked up towards Montgomery  
15   talking to them, I heard it on the radio.

16          Q.    What did you hear on the radio?

17          A.    The call was a neighbor in trouble.

18          Q.    What else did you hear on the radio?

19          A.    That was it.

20          Q.    What frequency were you on?

21          A.    I was on a different frequency, which  
22   is northeast communications.

23          Q.    Is that the same frequency as  
24   Deputy Huddleston?

25          A.    Yes, ma'am.

1 Q. How many frequencies are there?

2 A. Different, different townships has  
3 different frequencies. Symmes Township is  
4 northeast. And Sycamore, Columbia, and all of  
5 them are on the east channels.

6 Q. Are there other channels for the  
7 Hamilton County Sheriff's Office?

8 A. There's Renew and everything for  
9 specialized.

10 Q. What did you say?

11 A. Renew, any specialized.

12 Q. Renew?

13 A. Right. They have different things.

14 Q. And did you only have access to the  
15 northeast communications frequency?

16 A. I had access for northeast, and the  
17 east inside my car with a different radio.

18 Q. Okay. But the radio that you wear on  
19 your shoulder, you only have northeast?

20 A. Yes, ma'am.

21 Q. And Deputy Alexander was on the east  
22 frequency?

23 A. Yes, ma'am.

24 Q. But you knew that this was a known  
25 suspect, a neighbor, right?

1 A. No, ma'am.

2 MS. SEARS: Objection.

3 You can answer. Just let me object.

4 A. No, ma'am.

5 BY MS. GONZALES-MARTIN:

6 Q. You knew it was a neighbor?

7 MS. SEARS: Objection.

8 BY MS. GONZALES-MARTIN:

9 Q. This was neighbor trouble you just  
10 said, correct?

11 A. Yeah. I mean --

12 Q. When you arrived on the scene, what did  
13 you observe when you got there?

14 A. I seen a patrol car which is in front  
15 of me. I saw Deputy Huddleston run to the back  
16 on the right-hand side of the complex.

17 As I was getting out, I heard him say,  
18 hey, and I ran left side of the complex, thought  
19 he would be running.

20 Q. Did you observe the complainant?

21 A. No, ma'am.

22 Q. When you got to the back, Huddleston  
23 and Alexander were trying to get Gary Roell out  
24 of the enclosed porch, right?

25 A. I did not see that.

1 Q. You gave an interview the morning of  
2 the incident before you finished your shift,  
3 right?

4 A. Yes, ma'am.

5 Q. And you told the truth in that  
6 interview?

7 A. Yes, ma'am.

8 Q. And that interview was closer in time  
9 to the events than as we sit here today,  
10 correct?

11 A. Yes, ma'am.

12 Q. That interview would therefore be more  
13 reliable as an account of your memory of the  
14 events than your memory as we sit here today?

15 A. Yes, ma'am.

16 Q. Okay. I'd like to play you a clip from  
17 that interview. And it starts at 7:15:42.

18 MS. SEARS: Objection. Are you going  
19 to have this interview marked as an exhibit,  
20 then?

21 MS. GONZALES-MARTIN: I am. I'll give  
22 it to the court reporter after.

23 MS. SEARS: Okay. I prefer it be  
24 marked now if that's possible, if you don't  
25 mind.

1 MS. GONZALES-MARTIN: Sure. Let's do  
2 it now. I'd like to mark this exhibit as  
3 Plaintiff's Exhibit -- I think I'm on 17 or  
4 18.

5 MS. SEARS: I think we had a 17.

6 MS. GONZALES-MARTIN: Yeah. This will  
7 be Plaintiff's Exhibit 18.

8 MS. SEARS: Don't ever rely on me.  
9 That was a lucky thing for me because I  
10 can't keep track.

11 (Video played.)

12 (Plaintiff's Exhibit 18 was marked for  
13 identification.)

14 MS. SEARS: So I would just offer --  
15 before you ask a question on that, I would  
16 offer an objection in case the officer would  
17 like to see any preceding part of that  
18 interview or even post part of that  
19 interview before he answers your questions.  
20 Because it's sort of taken out of context  
21 of the entire totality of the  
22 circumstances.

23 MS. GONZALES-MARTIN: I've stopped the  
24 video at, it says on the lower left-hand  
25 corner of the screen, 7:16:40.

1 BY MS. GONZALES-MARTIN:

2 Q. Is that you in the video?

3 A. Yes, ma'am.

4 Q. And are those your words the day of the  
5 incident?

6 A. Yes, ma'am.

7 Q. Deputy Huddleston tased Gary Roell,  
8 correct?

9 A. Yes, ma'am.

10 Q. Where did the barbs hit?

11 A. I do not know where it hit.

12 Q. There were some struggle outside of the  
13 patio, correct?

14 A. Yes, ma'am.

15 Q. And after Gary Roell was struck with  
16 the taser and there had been some struggle, he  
17 then crawled his way back into the patio; is that  
18 correct?

19 A. I did not see that, no, ma'am. He  
20 walked in.

21 Q. So he ran toward the patio, correct?

22 A. Correct.

23 Q. He was trying to get away from you,  
24 correct?

25 A. I'm sorry?



1 Q. He was trying to get away from you and  
2 the other deputies, correct?

3 MS. SEARS: Objection.

4 A. He was trying to go back in. I don't  
5 know what he was trying to go to on the other  
6 side because there's people in there.

7 BY MS. GONZALES-MARTIN:

8 Q. And the gate was then shut, correct?

9 A. Yes.

10 Q. Who shut the gate?

11 A. He did.

12 Q. How did he shut the gate?

13 A. He shut it this way, because when it  
14 shut he said -- he mentioned that those fucking  
15 wires was on him.

16 Q. So did you hear him say something about  
17 the fucking wires on him --

18 A. Correct.

19 Q. -- when the door was closed?

20 A. As he was shutting it, yes, ma'am.

21 Q. So the wires were freaking him out?

22 MS. SEARS: Objection.

23 A. I don't know what the wires were was  
24 doing to him.

25 Usually when a taser is deployed and

1 it's hit, someone falls down. Usually it kind of  
2 freezes them. And when he didn't freeze, I  
3 thought, okay, he was either on drugs, PCP  
4 or -- it's supposed to work.

5 BY MS. GONZALES-MARTIN:

6 Q. Or mentally having an excited delirium  
7 episode?

8 A. I did not know that.

9 Q. But you could tell something was off,  
10 something was bizarre with him?

11 MS. SEARS: Objection, asked and  
12 answered.

13 You can answer.

14 THE REPORTER: I didn't hear an  
15 answer.

16 THE WITNESS: I'm sorry?

17 THE REPORTER: I didn't hear an  
18 answer.

19 A. That something was wrong?

20 BY MS. GONZALES-MARTIN:

21 Q. Yes.

22 A. Yes, there was something wrong with  
23 him, yes, either drugs or PCP.

24 Q. What did you learn about the sheriff's  
25 office history with Gary Roell at this point?

1 MS. SEARS: Objection.

2 A. I've never dealt with him.

3 BY MS. GONZALES-MARTIN:

4 Q. As you were arriving to the scene and  
5 first encounter him, what did you know about him  
6 at that point?

7 A. Nothing.

8 MS. GONZALES-MARTIN: This will be 19.

9 (Plaintiff's Exhibit 19 was marked for  
10 identification.)

11 BY MS. GONZALES-MARTIN:

12 Q. The court reporter has handed you  
13 what's been marked Plaintiff's Exhibit 19, and  
14 this is a transcript of your interview the day of  
15 the incident.

16 A. Okay.

17 Q. You can review it if you'd like. I  
18 want you to turn to Page 10. Feel free to read  
19 more of the page for context if you'd like, but  
20 I'm going to ask you about lines 13 through 17.

21 A. Okay.

22 Q. Does that refresh your recollection  
23 about whether Mr. Roell crawled back towards the  
24 fence?

25 A. He crawled from when we were trying to

1 control him the first time and -- when I looked  
2 over, I didn't see where he was at. I looked  
3 over. He was crawling towards that way. That's  
4 when I noticed he had -- his buttocks was  
5 exposed.

6 Q. Had you had any other calls about  
7 Gary Roell the day of the incident or the day  
8 before?

9 MS. SEARS: Objection.

10 A. No, ma'am.

11 BY MS. GONZALES-MARTIN:

12 Q. Deputy Alexander testified that he  
13 observed the front door of the neighbor's house  
14 wide open with garbage.

15 Did you observe that?

16 A. No, ma'am.

17 Q. But you ran right by it, right?

18 MS. SEARS: Objection.

19 A. No. I ran by just the side of the  
20 house. I didn't see any of the complex. I just  
21 ran back that way to --

22 BY MS. GONZALES-MARTIN:

23 Q. So you arrived in front of the  
24 complainant's address, correct?

25 A. I didn't know what the address was. I

<http://www.yeslaw.net/help>

1 knew there was a cruiser right in front of me.

2 Q. And it was the unit that was on the end  
3 of a row of condos, right?

4 MS. SEARS: Objection.

5 A. Who; the complainant?

6 BY MS. GONZALES-MARTIN:

7 Q. Yes.

8 A. I don't know. All I saw was  
9 Deputy Huddleston ran towards the back side, the  
10 right-hand side.

11 Q. The end of a building?

12 A. Correct.

13 Q. And so you went -- instead of the way  
14 that Huddleston went --

15 A. Correct.

16 Q. -- you went to the left as you're  
17 facing the building?

18 A. Right, the opposite side, yes, ma'am.

19 Q. I'll have you turn to Plaintiff's  
20 Exhibit 11, please.

21 A. Oh, this one. Sorry.

22 Q. This is a photo of the open door that I  
23 was describing that's to the left of the  
24 complainant's unit as you're looking at the  
25 building.

1 Does that refresh your recollection  
2 about the scene that night?

3 A. I've never seen it.

4 Q. What did you observe about  
5 Gary Roell?

6 MS. SEARS: Objection, foundation.

7 BY MS. GONZALES-MARTIN:

8 Q. When you first saw Gary Roell, what did  
9 you observe about him?

10 A. When I first made contact with him was  
11 during the control.

12 Q. He had a plant, a potted -- well, a  
13 basket with a plastic wire around it, correct?

14 A. On his hands, correct.

15 Q. There's a picture of that. Plaintiff's  
16 Exhibit 12, correct?

17 A. I did not see that. No, I did not see  
18 that kind. I mean, it was like that, but I  
19 didn't really quite see exactly what it was.

20 Q. He also had a garden hose, correct?

21 A. I don't recall. I think he did.

22 Q. And he was screaming, correct?

23 A. I didn't hear that, no.

24 Q. Well, he was saying some gibberish?

25 A. I didn't hear that, either.

1 Q. Did you hear him say anything?

2 A. No, not during the first contact.

3 Q. The other deputies were deposed last  
4 week and you were here, correct?

5 A. Correct.

6 Q. And they both testified that Mr. Roell  
7 was saying things about water?

8 A. That was on them, not on me. I didn't  
9 hear any of that.

10 Q. Mr. Roell was nude from the waist down,  
11 correct?

12 A. Not until after I seen him crawl. Yes,  
13 he was nude. I seen his buttocks.

14 Q. He didn't get nude from the waist down  
15 at some point after you left -- after you  
16 arrived, correct? He was nude the entire time?

17 A. When I made contact with him, yes.

18 Q. And you didn't observe him destroying  
19 any property, correct?

20 A. No, I did not.

21 Q. So you had interpersonal communications  
22 training and crisis training like Huddleston and  
23 Alexander?

24 MS. SEARS: Objection, asked and  
25 answered.

1 BY MS. GONZALES-MARTIN:

2 Q. Correct?

3 MS. SEARS: You can answer.

4 A. Yes, ma'am.

5 BY MS. GONZALES-MARTIN:

6 Q. And from your training and experience,  
7 you knew that Gary Roell was having a mental  
8 problem, correct?

9 MS. SEARS: Objection.

10 A. No, I did not.

11 BY MS. GONZALES-MARTIN:

12 Q. But you agree that his symptoms were  
13 consistent with your excited delirium training,  
14 correct?

15 MS. SEARS: Objection.

16 A. No.

17 BY MS. GONZALES-MARTIN:

18 Q. You agree that Mr. Roell was  
19 aggressive?

20 A. Yes.

21 Q. Combative?

22 A. Isn't that the same? Aggressive,  
23 combative?

24 Q. So you agree that he was combative?

25 A. He was aggressive.



1 Q. Hyperactive?

2 A. I did not see that.

3 Q. He had unexpected strength?

4 A. He did have that.

5 Q. And he had shedding of clothes?

6 A. After -- yes, he was naked from the  
7 buttocks.

8 Q. Did you talk to Deputies Huddleston and  
9 Alexander about your observations of  
10 Gary Roell?

11 A. No. I didn't have time.

12 Q. Gary Roell didn't have a weapon,  
13 correct?

14 MS. SEARS: Objection.

15 A. A weapon as in he had a hose, but --  
16 not a hose, but the wire thing.

17 BY MS. GONZALES-MARTIN:

18 Q. That's all he had?

19 A. That's a weapon.

20 MS. SEARS: Objection, the weapon.

21 BY MS. GONZALES-MARTIN:

22 Q. He didn't have any weapons aside from a  
23 flower basket and a garden hose?

24 A. Right.

25 Q. What did you say to the other deputies

1 on scene and what did they say to you before you  
2 started to engage Mr. Roell?

3 A. I didn't say anything.

4 Q. Did you and Deputies Huddleston or  
5 Alexander designate anyone to talk?

6 A. No. It happened so fast.

7 Q. Both Huddleston and Alexander were  
8 giving commands, correct?

9 A. All I heard was Huddleston.

10 Q. All you heard was Huddleston?

11 A. Correct.

12 Q. Were you giving commands, as well?

13 A. No.

14 Usually when somebody gives commands we  
15 don't want to talk over each other.

16 Q. So you didn't give any commands?

17 A. No.

18 Q. Were Deputies Huddleston and Alexander  
19 using a command presence?

20 MS. SEARS: Objection.

21 A. Like -- an example?

22 BY MS. GONZALES-MARTIN:

23 Q. As a police officer, you know what I  
24 mean by command presence, don't you?

25 MS. SEARS: Objection.

1           A.    Well, when you're talking to somebody,  
2    yes.

3    BY MS. GONZALES-MARTIN:

4           Q.    Was Deputy Huddleston using a command  
5    presence?

6           A.    Yes.

7           Q.    And was Deputy Alexander using a  
8    command presence?

9           A.    I don't know if Alexander was.   I know  
10   Huddleston was.

11          Q.    Were you using a command presence?

12          A.    No.

13          Q.    No?

14          A.    I wasn't talking.

15          Q.    You have to be talking to use a command  
16   presence?

17          A.    Well, I mean, when you give somebody  
18   commands, yes.   If I tell you put your hands up,  
19   you know, put your hands up, that's still giving  
20   a command presence.

21          Q.    A neighbor said that Gary said at one  
22   point, I'm not armed.

23                Did you hear that?

24          A.    No, I did not.

25          Q.    Where was Gary Roell when you first

1 touched him?

2 A. He was outside of the patio.

3 Q. Was his skin warm?

4 A. I don't know.

5 Q. Was he wet?

6 A. Don't know.

7 Q. Deputy Huddleston sparked his taser,  
8 correct?

9 A. A drive -- like, what do you mean, did  
10 he spark it?

11 Q. Did Deputy Huddleston spark his  
12 taser?

13 A. I don't recall. I can't remember.

14 Q. He put the laser red dots on  
15 Gary Roell, though, correct?

16 A. That I did not see.

17 Q. At some point Deputy Alexander grabbed  
18 the plant that we had talked about Gary Roell  
19 having?

20 A. Correct.

21 Q. And Gary Roell pulled away?

22 A. All I saw was the plant go up in the  
23 air.

24 Q. And Gary -- did you hear Gary Roell say  
25 anything at that point?

1 A. No.

2 Q. Mr. Roell was flailing around,  
3 correct?

4 MS. SEARS: Objection as to form.

5 A. We were trying to control him and he  
6 was moving around, yes.

7 BY MS. GONZALES-MARTIN:

8 Q. He was distraught?

9 MS. SEARS: Objection.

10 A. Distraught? I don't know.

11 BY MS. GONZALES-MARTIN:

12 Q. So at that point, after you put your  
13 hands on Gary Roell --

14 A. Correct.

15 Q. -- there was a struggle and then at  
16 some point a tasing?

17 A. Correct.

18 Q. And that's when Gary Roell crawled back  
19 towards the patio, entered the patio, correct?

20 MS. SEARS: Objection, asked and  
21 answered.

22 You can answer.

23 A. No. It was a struggle, he crawled, got  
24 up, went by the fence line, got tased, tried --  
25 when he closed the door, he said, get these

1     fucking wires off me, and the door was closed.

2     BY MS. GONZALES-MARTIN:

3             Q.     So at this point, now that the door to  
4     the fenced-in area is closed, you observed that  
5     Mr. Roell was nude from the waist down?

6             A.     Yes, ma'am.

7             Q.     Had extreme strength?

8             A.     Yes, ma'am.

9             Q.     Was combative?

10            A.     Yes, ma'am.

11            Q.     And you recognized these as symptoms of  
12   excited delirium?

13            A.     No.

14            Q.     As of August 13, 2013, you were  
15   familiar with excited delirium?

16                   MS. SEARS:  Objection, answered twice.

17                   You can answer.

18            A.     Training.

19   BY MS. GONZALES-MARTIN:

20            Q.     I'm sorry?

21            A.     Training.

22            Q.     You were familiar with it from your  
23   training, is that what you're saying?

24                   MS. SEARS:  Objection, asked and  
25   answered four times.

1 A. Yes. I already answered.

2 BY MS. GONZALES-MARTIN:

3 Q. When you said that after Gary Roell  
4 crawled, he got up, where was he when he got  
5 up?

6 A. When I looked up, he was already by the  
7 doorway.

8 Q. How far were you from the doorway  
9 before he got up or while you were trying to get  
10 him on the ground? So how far did he crawl?

11 A. I don't know. I don't know how far it  
12 would be. It was pretty close.

13 Q. Pretty close to the doorway?

14 A. Correct.

15 Q. A couple feet?

16 A. I don't know.

17 MS. WOEBER: Deputy Dalid, could you  
18 try to keep your voice up?

19 THE WITNESS: I'm sorry.

20 MS. WOEBER: I'm just having trouble  
21 hearing.

22 BY MS. GONZALES-MARTIN:

23 Q. Did he walk through or crawl through  
24 the gate?

25 MS. SEARS: Objection, asked and

1 answered.

2 Answer it again.

3 A. He walked. I'm sorry.

4 BY MS. GONZALES-MARTIN:

5 Q. Was he backing up into the gate or  
6 walking forward into the gate?

7 A. After the tasing? After the tasing, he  
8 was walking in because he had to close the  
9 door.

10 Q. He was -- okay.

11 A. Like, he was kind of like -- I mean,  
12 what do you mean backing up?

13 Q. You said he crawled and then he got  
14 up?

15 A. Correct.

16 Q. At that point was he backing away from  
17 you --

18 A. No.

19 Q. -- or was he walking forward into the  
20 gate?

21 A. Sideways, I guess. The door was right  
22 there.

23 Q. You covered excited delirium in your  
24 Hamilton County Sheriff's Office training?

25 MS. SEARS: Objection, asked and

<http://www.yeslaw.net/help>



1 answered five times.

2 Go ahead and answer it the fifth  
3 time.

4 A. Yes.

5 BY MS. GONZALES-MARTIN:

6 Q. Also in your OPOTA training?

7 A. Yes.

8 Q. And in your field training?

9 A. An overview? Yes.

10 Q. So once the gate was closed, Mr. Roell  
11 was inside the fenced area alone, right?

12 MS. SEARS: Objection.

13 A. Yes.

14 BY MS. GONZALES-MARTIN:

15 Q. He wasn't close to other members of the  
16 public?

17 MS. SEARS: Objection, foundation.

18 A. No.

19 BY MS. GONZALES-MARTIN:

20 Q. He was not armed, aside from the basket  
21 and hose we talked about?

22 MS. SEARS: Objection, foundation.

23 BY MS. GONZALES-MARTIN:

24 Q. He wasn't armed aside from the hose and  
25 basket, but he -- actually, at this point, the

1 basket has been tossed outside?

2 A. He can be alone with a lot of things,  
3 patio furniture, plants, any other plants,  
4 anything.

5 Q. As far as you know, he's not armed  
6 aside from what we talked about, right?

7 MS. SEARS: Objection, calls for  
8 speculation.

9 A. Except for the patio plants, everything  
10 else in the immediate --

11 BY MS. GONZALES-MARTIN:

12 Q. He's not destroying any property --

13 MS. SEARS: Objection.

14 BY MS. GONZALES-MARTIN:

15 Q. -- that you know of, right?

16 MS. SEARS: Objection.

17 A. Can't see him.

18 BY MS. GONZALES-MARTIN:

19 Q. Did you say anything to the other  
20 officers and did they say anything to you before  
21 proceeding after Mr. Roell was inside the gate?

22 A. No.

23 Q. At that point, had you called for  
24 EMS?

25 A. Didn't have time.

1 Q. Had you asked for anyone else to call  
2 EMS?

3 A. We didn't have enough time.

4 Once he got tased, we pursued. That's  
5 what our training is, to gain control of him.

6 Q. Would you agree that Hamilton County  
7 Sheriff's Office excited delirium training says  
8 to have EMS available when you use force?

9 MS. SEARS: Objection.

10 A. To have them available right at the  
11 time? When we had time, yes. We didn't have  
12 that time.

13 BY MS. GONZALES-MARTIN:

14 Q. Before you opened the gate and pursued  
15 Mr. Roell, did you develop a plan?

16 A. Our plan was to control him.

17 Q. Did you have a plan for how you were  
18 going to do that?

19 A. Handcuff techniques, arm bar  
20 techniques.

21 Q. Did you discuss anything at all about  
22 the plan with your other officers?

23 A. No. It was instinct training.

24 MS. SEARS: What did you say?

25 A. It was instinct training.

<http://www.rylaw.net/help>

1 MS. SEARS: I'm sorry. I didn't hear.

2 BY MS. GONZALES-MARTIN:

3 Q. So at some point, someone opened the  
4 gate, right?

5 A. Correct.

6 Q. Who opened the gate?

7 A. I don't know. I was too short.

8 Q. So you didn't open the gate?

9 A. No. I don't know who opened the  
10 gate.

11 Q. But it was Deputy Huddleston or  
12 Deputy Alexander?

13 A. Correct.

14 Q. What did you do next?

15 A. Came in and tried to control the right  
16 side of his body, right arm.

17 Q. How did you do that?

18 A. By arm bar technique. Grab them by the  
19 wrist and shoulders trying to control him.

20 Q. Did that work?

21 A. No.

22 Q. What did you do next?

23 A. Tried to do a handcuff and we ended up  
24 on the left-hand side by the bushes. And then I  
25 put one cuff on him as we was on the ground and

1     then put another set -- saw another set of cuffs,  
2     put those together. So he was cuffed with two  
3     handcuffs on, about this far apart.

4           Q.     At what point did Gary Roell go to the  
5     ground?

6           MS. SEARS:   Objection.

7           A.     To the ground inside the patio?

8     BY MS. GONZALES-MARTIN:

9           Q.     Yes.

10          A.     That would be -- I know we went down  
11     somehow, but we went down backwards. I don't  
12     know what time frame, when it would be.

13          Q.     Gary Roell didn't punch you or hit you,  
14     right?

15          MS. SEARS:   Objection.

16          A.     Did not.

17     BY MS. GONZALES-MARTIN:

18          Q.     And you didn't see Gary Roell punch  
19     Deputy Alexander, did you?

20          A.     I was focused on him.

21          Q.     So that's no?

22          A.     No.

23          Q.     And Gary Roell wasn't trying to swing  
24     at anything in particular, right? He was just  
25     actively trying not to be restrained?

1 MS. SEARS: Objection, foundation.

2 A. Correct.

3 BY MS. GONZALES-MARTIN:

4 Q. At some point, Gary Roell was tased  
5 with taser prongs a second time; is that  
6 correct?

7 A. I don't remember that.

8 Q. And eventually Gary Roell's on the  
9 ground and flopping around and all three officers  
10 are trying to restrain him, correct?

11 A. Trying to control, correct.

12 Q. While he was being restrained,  
13 Deputy Huddleston advised him of his Miranda  
14 rights, correct?

15 A. I believe, yes.

16 Q. And Gary Roell responded that he didn't  
17 understand?

18 A. He said, I don't give a shit.

19 Q. He also said, I don't understand,  
20 correct?

21 A. I know I remember, I don't give a  
22 shit.

23 Q. Did you have a chance to review your  
24 interview from the night of the incident before  
25 today's deposition?

1 A. The one like this?

2 Q. The written transcript.

3 A. Correct.

4 MS. GONZALES-MARTIN: I'm going to play  
5 another portion of the video interview  
6 starting at 7:20:58.

7 (Video was played.)

8 MS. GONZALES-MARTIN: I stopped the  
9 video at 7:21:25.

10 BY MS. GONZALES-MARTIN:

11 Q. Is that what you said in your  
12 interview?

13 A. Yes.

14 MS. SEARS: I'm sorry. Was the  
15 question, is that what you said?

16 MS. GONZALES-MARTIN: Yes.

17 MS. SEARS: I'm sorry. I didn't mean  
18 to interrupt. Go ahead.

19 MS. GONZALES-MARTIN: I'm going to play  
20 the video again starting at 7:21:25.

21 (The video was played.)

22 MS. GONZALES-MARTIN: I stopped the  
23 video at 7:21:38.

24 BY MS. GONZALES-MARTIN:

25 Q. You said, I waited and waited until the

<http://www.yeslaw.net/help>

1 squad got there, correct?

2 A. Correct.

3 Q. How long?

4 A. I don't know how long it would be.

5 Q. What was the plan for when Gary Roell  
6 restrained?

7 MS. SEARS: Objection, asked and  
8 answered.

9 You can answer.

10 A. Have the squad check on him.

11 BY MS. GONZALES-MARTIN:

12 Q. What did you do while Gary Roell was  
13 being restrained?

14 A. What did I do?

15 Q. Uh-huh.

16 A. I was still trying to control him  
17 because he was still being aggressive and still  
18 trying to do -- trying to do pushups or pull up  
19 this way. He was still flaring -- flailing  
20 around.

21 Q. Mr. Roell alternated between calm  
22 behavior and extreme agitation, right?

23 A. Correct.

24 Q. And even -- and as he was restrained,  
25 he made some comments about water, right?



1 A. Correct.

2 Q. He continued to make such comments even  
3 while he was being restrained?

4 MS. SEARS: Objection --

5 A. I only heard him once.

6 MS. SEARS: -- as to form.

7 I'm sorry. What was your answer?

8 THE WITNESS: I only heard him once.

9 BY MS. GONZALES-MARTIN:

10 Q. How did you restrain him?

11 A. He was cuffed in both hands, cuffed  
12 together. He was on his side like this. And I  
13 was between his shoulder blade, so his right  
14 shoulder blade should be right between me.

15 And I had his right arm -- right  
16 shoulder, I should say, right here and I was  
17 trying to -- I was holding onto him because I  
18 couldn't just hold him down like this, I had to  
19 grab at least hold of him so I could control  
20 him.

21 Q. And he was struggling, correct?

22 A. Yes.

23 Q. And at some point he fell asleep?

24 A. Yes. He was snoring the first time.

25 Q. And you knew that that was a danger

1 sign medically, correct?

2 A. I didn't know what to think. I was  
3 like he's snoring.

4 Q. After he came to, he said, I need to  
5 get up, I need to get up, I was just trying to  
6 get water, correct?

7 MS. SEARS: Objection as to form.

8 A. I don't remember. I know he was trying  
9 to get up. After the snoring, he started getting  
10 agitated again, tried to get up on me again,  
11 tried to put him back down.

12 MS. GONZALES-MARTIN: I'm going to  
13 start the video again at 7:27:05.

14 (Video was played.)

15 MS. GONZALES-MARTIN: I stopped the  
16 video at 7:27:45.

17 MS. SEARS: Can I ask a question?

18 Are you transcribing -- the court  
19 reporter, are you transcribing the actual --  
20 what's being said on the tape or just the  
21 fact that the tape is being played?

22 THE REPORTER: I'm indicating that it's  
23 being played.

24 I mean, it's my understanding it's  
25 already been transcribed by our firm --

1 MS. SEARS: Correct. Okay. I just  
2 wanted to clarify. Thank you.

3 THE REPORTER: You're welcome.

4 If you would give me an instruction to  
5 do that, I will do it.

6 MS. SEARS: I don't know that it's  
7 necessary. I just wanted to know.

8 BY MS. GONZALES-MARTIN:

9 Q. So I just played a clip of the video.  
10 Is that what you said in your  
11 interview?

12 A. Yes.

13 MS. SEARS: Can you tell me again --  
14 I'm sorry, Jackie -- what was the time of  
15 that clip? I want to make sure I wrote that  
16 down correctly.

17 MS. GONZALES-MARTIN: It was 7:27:05  
18 through 7:27:44.

19 MS. SEARS: Thank you so much. Again,  
20 I'm sorry to interrupt.

21 BY MS. GONZALES-MARTIN:

22 Q. Can you describe Gary Roell  
23 physically?

24 A. He -- stalky, kind of had a big  
25 belly.

1 Q. And he's an older man, correct?

2 A. I didn't see his face.

3 Q. He wasn't a spry, young teenager?

4 A. No, no, he was not. He was --  
5 correct.

6 Q. And he was kind of in an awkward  
7 position on the ground as you were trying  
8 to restrain him with the other officers,  
9 right?

10 MS. SEARS: Objection as to form.

11 A. He was on his side.

12 BY MS. GONZALES-MARTIN:

13 Q. So he -- he was resisting your efforts  
14 to keep him on the ground, right?

15 A. Yes, ma'am.

16 Q. For how long?

17 A. Oh, minutes-wise, I don't know. It  
18 felt like it was an eternity, but I'm sure it was  
19 shorter.

20 Q. And he would struggle and then he would  
21 go limp, right?

22 A. He would struggle and then he would be  
23 calm, start snoring, and then a minute later he'd  
24 start agitated again. The second time he  
25 snored.

1 Q. So he snored twice?

2 A. Correct.

3 Q. Did he go limp and stop resisting  
4 without snoring at any point?

5 A. He was calm, yes.

6 Q. And what were Deputies Huddleston and  
7 Alexander doing while you were restraining  
8 Mr. Roell?

9 A. I don't know. I was focused on him.

10 Q. Were they trying to restrain him,  
11 also?

12 A. I don't know if they were -- I know  
13 somebody was next to me, but I don't know. I was  
14 focused on getting him -- because if he gets up.  
15 I'm controlling him so nobody else gets hurt and  
16 I don't get hurt.

17 Q. But you don't know if your fellow  
18 deputies were trying to help you?

19 A. I'm sure they were.

20 Q. Gary Roell was on his belly for part of  
21 the time that you and the other deputies were  
22 trying to control him, right?

23 MS. SEARS: Objection.

24 A. He was on his side. His belly might  
25 have been on the ground. But he's a bigger guy

1 and had a belly on him.

2 BY MS. GONZALES-MARTIN:

3 Q. He was on his belly when he started  
4 snoring, right?

5 A. He was on his side and the belly might  
6 have been touching the ground.

7 MS. GONZALES-MARTIN: Let me start the  
8 video again. This time it's starting at  
9 7:28:23.

10 (The video was played.)

11 MS. GONZALES-MARTIN: I stopped the  
12 video at 7:28:54.

13 BY MS. GONZALES-MARTIN:

14 Q. Is that what you said in your  
15 interview?

16 A. Yes.

17 Q. So Corporal Steers arrives, correct?

18 A. Yes.

19 Q. And Steers says, this looks like  
20 excited delirium, right?

21 A. I did not hear that.

22 Q. It became apparent that Mr. Roell had  
23 no pulse shortly after that, right?

24 MS. SEARS: Objection as to form.

25 A. After someone told me to roll him up,

<http://www.elysian.net/help>

1 lift him up.

2 BY MS. GONZALES-MARTIN:

3 Q. So who first noticed that there was no  
4 pulse?

5 A. I did, because I was by his  
6 shoulders.

7 Q. Did anyone from Hamilton County  
8 Sheriff's Office ever say that there were errors  
9 in the handling of this incident?

10 MS. SEARS: Objection as to form.

11 A. No.

12 BY MS. GONZALES-MARTIN:

13 Q. Did anyone from the Hamilton County  
14 Sheriff's Office discuss the incident in any  
15 training after?

16 MS. SEARS: Objection as to form.

17 A. No.

18 BY MS. GONZALES-MARTIN:

19 Q. Were you ever told by anyone that there  
20 were errors in the way the incident was  
21 handled?

22 A. No.

23 Q. Were you off work after the incident?

24 A. Yes, ma'am.

25 Q. For how long?

1 A. One day.

2 Q. When the taser cartridges were shot,  
3 did the aphids from the taser come out?

4 A. I don't know.

5 Q. Were you asked to collect the  
6 aphids?

7 A. No.

8 Q. Did deputy -- or, I'm sorry --  
9 Corporal Steers conduct CPR on Mr. Roell?

10 A. Yes.

11 Q. For how long?

12 A. I don't know how long.

13 Q. What did you do while Corporal Steers  
14 was conducting CPR?

15 A. Stood back. And then he told me to go  
16 and check with the -- try to get the squad down  
17 from the back, kind of get them down where we're  
18 at so they wouldn't get lost.

19 Q. So where did you go?

20 A. The back side, towards the front.

21 Q. The back side, toward the front. What  
22 do you mean?

23 A. From the back side, towards the front.  
24 From the back where I was at, towards the  
25 front.



1 Q. So you left the patio, went outside the  
2 patio area, and walked toward the front of the  
3 building?

4 A. I walked towards the street to wait on  
5 the squad.

6 Q. The way you came?

7 A. No.

8 Q. Did you take the same route?

9 A. No. The closest one.

10 Q. And where did you wait for the squad?

11 A. Right in front of the -- well, as they  
12 was coming up, I was trying to tell them to go  
13 where we were at. It was pretty quick when I met  
14 the squad.

15 Q. Did you meet the squad in front of the  
16 complainant's house?

17 A. I don't know. I know it was on the  
18 street.

19 Q. There's the street into the complex and  
20 then there's inside the complex.

21 A. Right.

22 Q. So where were you?

23 A. It's inside where you pull in the  
24 parking areas and stuff like that. It's  
25 right --

1 Q. So you're in front of the building?

2 A. The side of the building, the left side  
3 of it.

4 Q. Did you fill out a use-of-force report  
5 about this incident?

6 A. No.

7 Q. Did you write any kind of statement  
8 about the incident?

9 A. I had an incident report, yes.

10 MR. GERHARDSTEIN: I didn't hear.

11 MS. GONZALES-MARTIN: He had an  
12 incident report.

13 A. Or incident statement, I should say.

14 BY MS. GONZALES-MARTIN:

15 Q. Were you aware of any prior calls to  
16 the Roell residence?

17 A. No. I'm northeast, a different  
18 section.

19 Q. Would you have appreciated learning  
20 about prior calls --

21 MS. SEARS: Objection.

22 BY MS. GONZALES-MARTIN:

23 Q. -- at the residence?

24 MS. SEARS: I'm sorry, Jackie. I  
25 didn't mean to interrupt you.

1                   Objection as to form.

2           A.     Would I have?  It wouldn't come to  
3     me.

4     BY MS. GONZALES-MARTIN:

5           Q.     In a perfect world in which you could  
6     know more, would you have appreciated knowing  
7     more?

8           A.     Yes, in a perfect world, yes.

9           Q.     Did you know Gary Roell name before you  
10    approached him?

11          A.     No, I did not.

12          Q.     Did you or the other deputies use  
13    Mr. Roell's name when talking to him?

14          A.     I did not recall anybody that --

15          Q.     Are you trained on positional  
16    asphyxiation?

17          A.     Am I trained?

18          Q.     Yes.

19          A.     Get them on the side so they don't -- I  
20    mean, we're trained, yeah.

21          Q.     What is positional asphyxiation?

22          A.     It's when if somebody's suffocating.

23          Q.     Did you ever go back to the scene and  
24    do a walk-through?

25          A.     No.

1 Q. Did you ever do any review of the  
2 incident other than the interview that you  
3 gave?

4 A. No.

5 MS. GONZALES-MARTIN: Can we take a  
6 short break?

7 MS. SEARS: Sure.

8 THE VIDEOGRAPHER: We're off the  
9 record.

10 (A recess was taken from 11:16 to  
11 11:30.)

12 (Plaintiff's Exhibit 20 was marked for  
13 identification.)

14 THE VIDEOGRAPHER: We're on the  
15 record.

16 BY MS. GONZALES-MARTIN:

17 Q. You stated before we took a break  
18 that you gave a written statement after the  
19 incident, correct?

20 A. Yes, ma'am.

21 Q. I'm handing you what's been marked  
22 Plaintiff's Exhibit 20.

23 Is that the written statement?

24 A. Yes, ma'am.

25 Q. And this is your handwriting?

1 A. Yes, ma'am.

2 Q. Who asked you to give this statement?

3 A. I don't know. I don't know.

4 Q. Where were you when you wrote it?

5 A. I was in the patrol car, in the front  
6 of the patrol car, inside it.

7 Q. Whose patrol car?

8 A. I believe it was mine. I think it was  
9 mine.

10 Q. Who did you give it to when you  
11 completed the report?

12 A. I don't remember.

13 Q. Are you aware that Deputies Huddleston  
14 and Alexander did not fill out a written  
15 report?

16 A. Yes, from their deposition.

17 Q. Do you know why you filled out a report  
18 and they didn't?

19 A. No, I don't.

20 Q. We talked earlier about when Mr. Roell  
21 fell asleep, whether he was -- what his position  
22 was, correct?

23 A. (Nodding head.)

24 Q. And you talked about that in  
25 your interview the day of the incident,

1 right?

2 A. Yes.

3 Q. I'd like to play you another clip of  
4 the interview starting at 7:30:37.

5 (Video was played.)

6 MS. GONZALES-MARTIN: I stopped the  
7 video at 7:31:06.

8 BY MS. GONZALES-MARTIN:

9 Q. At this point in the video, you've  
10 stood up from your chair and you're leaning over  
11 on the desk, correct?

12 A. Right.

13 Q. And you've got your body -- your arms  
14 are against your chest and your arms are touching  
15 the desk, right?

16 A. Correct.

17 (Video was played.)

18 MS. GONZALES-MARTIN: I stopped the  
19 video at 7:31:29.

20 BY MS. GONZALES-MARTIN:

21 Q. Would you agree that, as a sheriff's  
22 deputy, contact with mentally ill citizens is  
23 foreseeable?

24 MS. SEARS: Objection.

25 A. Foreseeable as in in the future?

<http://www.yeslaw.net/help>

1 BY MS. GONZALES-MARTIN:

2 Q. Yes.

3 A. Yeah.

4 Q. Would you agree that you have to take  
5 symptoms of mental illness into account when  
6 developing a strategy for taking a mentally ill  
7 person into custody?

8 MS. SEARS: Objection, asked and  
9 answered.

10 You can answer.

11 A. No.

12 You don't think I should?

13 Repeat that question again.

14 BY MS. GONZALES-MARTIN:

15 Q. Do you agree that a deputy must take  
16 symptoms of mental illness into account in  
17 developing a strategy for taking a mentally ill  
18 person into custody?

19 MS. SEARS: Objection.

20 A. You should. I mean --

21 BY MS. GONZALES-MARTIN:

22 Q. And would you agree that on  
23 August 13, 2013, Gary Roell needed emergency  
24 psychiatric treatment?

25 MS. SEARS: Objection.

1 A. I didn't know that.

2 BY MS. GONZALES-MARTIN:

3 Q. The encounter with Mr. Roell, who was  
4 having a mental health crisis, you now know, and  
5 was half naked and speaking nonsense about water,  
6 that's the type of conduct you're trained for,  
7 right?

8 MS. SEARS: Objection.

9 A. Repeat that again.

10 BY MS. GONZALES-MARTIN:

11 Q. This incident --

12 A. Okay.

13 Q. -- With Mr. Roell --

14 A. Right.

15 Q. -- who you now know was having a mental  
16 health problem --

17 A. I didn't know that at the time.

18 Q. Right. You now know, correct?

19 A. Yeah. That's why I'm here.

20 I'm confused. Go ahead.

21 Q. A person is having a mental health  
22 crisis, half naked, speaking nonsense, the type  
23 of situation from your training that you're  
24 prepared to -- that you're trained to respond to,  
25 right?



1 MS. SEARS: Objection.

2 A. Yes.

3 BY MS. GONZALES-MARTIN:

4 Q. Prior to August 13, 2013, how many  
5 times had you approached a suspect displaying  
6 signs of loss of reality or loss of control?

7 A. Four, if that, maybe less.

8 Q. You've pink-slipped people in the  
9 past?

10 A. Yes, I did.

11 Q. How many times?

12 A. Five.

13 Q. Have you carried out probate court  
14 temporary orders of detention?

15 A. No.

16 Q. Explain the pink-slipping experiences.

17 MS. SEARS: Objection as to form.

18 But go ahead.

19 A. We had one Sunday morning was  
20 irrational, saying he called our dispatch saying  
21 that his computer, all his electronics was being  
22 bugged, somebody was trying to kill him, somebody  
23 was in the parking lot.

24 He did have a CCW, a gun inside the  
25 room. And we made contact with him. He was

1 sweating profusely. Got the squad, checked him  
2 out, and then pink-slipped him because he was  
3 being irracionale what he was talking about and  
4 he had a weapon.

5 BY MS. GONZALES-MARTIN:

6 Q. You said this happened just this last  
7 Sunday?

8 A. Sunday, this Sunday, yesterday -- or  
9 when did I work? Yeah, Sunday, Monday morning.

10 Q. You also have dealt with mentally ill  
11 people in the jail, right?

12 A. Yes.

13 Q. At what point in the encounter this  
14 past Sunday did you call EMS?

15 A. At what point?

16 Q. Uh-huh.

17 A. When we're talking to him and he was in  
18 the room sweating, just figuring out that, hey,  
19 what's going on with you, didn't have any health  
20 issues or anything. I don't know what time frame  
21 it would be.

22 Q. So you saw him and made some  
23 observations about him?

24 A. Correct.

25 Q. And thought this is -- I should call

1 EMS, someone should call EMS?

2 A. Correct.

3 Q. And was that before or after you made  
4 physical contact with him?

5 A. That was after. We figured out what  
6 was going on with him first, if he was --

7 Q. By physical contact, I mean touching  
8 him.

9 A. No. By physically seeing him that he  
10 wasn't going to do anything rational --  
11 irrational, just making contacts. I'm sorry.

12 Q. So you observed him?

13 A. Correct.

14 Q. Then called EMS?

15 A. Correct.

16 Q. Then you -- did you make physical  
17 contact with him after?

18 A. We talked to him, got him in the  
19 squad -- in my cruiser to send it to Deaconess.

20 Q. Did he have clothes on?

21 A. Correct.

22 Q. What did EMS do when they arrived on  
23 the scene?

24 A. They just checked his blood pressure.

25 Q. And then did EMS give you the go-ahead

1 to take the gentleman in your cruiser?

2 A. No. The squad said he was fine, he was  
3 good to go, just the way he was acting and saying  
4 somebody was going after him. He had a handgun.  
5 I didn't want to give him his handgun back and  
6 end up doing anything irrational, so we took him  
7 to PS.

8 Q. You took him to where?

9 A. PS, Deaconess, to be evaluated.

10 Q. That's for psychiatric treatment?

11 A. Correct.

12 Q. What did you learn from dispatch about  
13 that incident?

14 A. That he had a weapon and he was not --  
15 he was saying that everything was bugged on him  
16 or somebody was trying to kill him, was the  
17 complaint.

18 Q. And you said you have done five  
19 pink-slip calls?

20 A. The other ones were just suicidal.  
21 They were suicidal.

22 Q. When were those?

23 A. I don't recall.

24 Q. So there was this incident and then  
25 four suicidal incidents?

1 A. Correct.

2 Q. Do you remember any details of the  
3 suicidal incidents?

4 A. No, I don't. It's been a while.

5 Q. You also dealt with mentally ill people  
6 in the jail when you worked in corrections?

7 A. Yes, ma'am.

8 Q. Were you on a CERT team in the jail?

9 A. Yes, ma'am.

10 Q. When did you join the CERT team?

11 A. 2006, I believe.

12 Q. Did you take mentally ill people into  
13 custody in any other circumstances, not in the  
14 pink-slip circumstance?

15 A. No.

16 Q. Have you had other situations where use  
17 of force was used on people experiencing mental  
18 health episodes?

19 A. At the jail, yes.

20 Q. Were those the kind of things that you  
21 filled out a use-of-force report for?

22 A. Yes.

23 Q. How many times?

24 A. For use of force, one, just one.

25 Q. Tell me about that.

1           A.     It was I was working cold holding where  
2     I take care of everybody for court. Went to go  
3     back in the back, print some pictures. One of  
4     the deputies asked me to escort one of the  
5     gentlemen to a holding cell where he has to be by  
6     himself.

7                     We got past the court holding area  
8     closest to the holding cell. The gentleman  
9     started speaking gibberish and spitting on the  
10    floor. He was in and out of the jail.

11                    So he spit on the floor and one of our  
12    deputies told him, clean it up, gave him a towel.  
13    He wiped it off, wiped it down in a swiping  
14    motion and threw it towards the deputy. And then  
15    we all made contact, tried to put him back in the  
16    cell, control him and put him in a cell.

17           Q.     That was Mr. Linsley?

18           A.     Correct.

19           Q.     In corrections did you learn  
20    deescalation protocols?

21           A.     We learned deescalation training,  
22    yes.

23           Q.     An officer is never allowed to  
24    needlessly endanger a suspect, correct?

25           A.     No.

1 MS. SEARS: Objection as to form.

2 A. An officer what?

3 BY MS. GONZALES-MARTIN:

4 Q. Is never allowed to needlessly endanger  
5 a suspect, right?

6 A. To never? Yes. Like never endanger  
7 them? Correct.

8 Q. Officers are required to reevaluate the  
9 decision to use force when circumstances change,  
10 right?

11 A. Yes.

12 Q. Officers are required to accurately  
13 report all use of force and any allegation of  
14 excessive force, right?

15 MS. SEARS: Objection as to form.

16 A. Yes.

17 BY MS. GONZALES-MARTIN:

18 Q. Did you accurately report the Roell use  
19 of force?

20 A. Did I accurately? They were there,  
21 yes. Supervisors were there, yes. But did we  
22 write anything? No.

23 Q. Did you accurately report the use of  
24 force on Mr. Roell?

25 A. Yes.

1 Q. Officers who don't follow the rules  
2 regarding use of force should be accountable,  
3 right?

4 MS. SEARS: Objection.

5 A. Officers that don't use should be  
6 accountable for what they do?

7 BY MS. GONZALES-MARTIN:

8 Q. Officers who don't follow the rules  
9 with use of force should be accountable, right?

10 MS. SEARS: Objection.

11 A. Follow their training, which we did,  
12 yes.

13 BY MS. GONZALES-MARTIN:

14 Q. In general, officers who don't follow  
15 the rules regarding use of force should be held  
16 accountable, right?

17 MS. SEARS: Objection.

18 A. No.

19 BY MS. GONZALES-MARTIN:

20 Q. So there are rules regarding use of  
21 force that you've been trained in, right?

22 A. Right.

23 Q. And if an officer doesn't follow those  
24 rules --

25 A. Oh, right, correct, he should be,



1 correct.

2 Q. He should be held accountable,  
3 correct?

4 A. Correct.

5 Q. Did this use of force end as you  
6 planned it would?

7 MS. SEARS: Objection.

8 You can answer.

9 A. Did the use of force end the way it's  
10 supposed to be? We don't want anybody to pass,  
11 but we controlled the subject, yes.

12 BY MS. GONZALES-MARTIN:

13 Q. What happened that surprised you about  
14 this incident?

15 A. What happened to surprise? That he  
16 passed.

17 Q. Did anything --

18 A. That was very surprising.

19 Q. Anything else surprise you?

20 A. No.

21 Q. How old are you?

22 A. Forty-one.

23 Q. Are you married?

24 A. Yes, ma'am.

25 Q. Do you have kids?

1 A. Three boys and a girl.

2 Q. Have you ever sued anyone?

3 A. No.

4 Q. You ever been sued?

5 A. Yes.

6 Q. You were sued by Mr. Linsley we talked  
7 about earlier, right?

8 A. Yes, ma'am.

9 Q. Were you sued by anyone else?

10 A. No, ma'am.

11 Q. So Gerald Linsley sued you and that was  
12 in 2007 and again in 2009, right?

13 A. 2007.

14 Q. I think it was dismissed and refiled or  
15 something.

16 A. I don't know anything about it.

17 Q. But you were sued in 2007 by  
18 Mr. Linsley?

19 A. Correct.

20 Q. And he was a mentally ill inmate,  
21 right?

22 A. I did not know it at the time, no.

23 Q. But he was a mentally ill inmate you  
24 know now, right?

25 A. Correct, now I do.

1 Q. And he had been arrested for having a  
2 mental health episode and breaking someone's  
3 window, right?

4 A. I didn't know his -- I didn't know what  
5 he was arrested for.

6 Q. But that's true, right?

7 A. I still don't know what he was arrested  
8 for.

9 Q. Well, you read the lawsuit filed  
10 against you, right?

11 A. Right, my lawsuit. But what he was  
12 arrested for at the time, the jail, I didn't know  
13 anything about it.

14 Q. But you know now?

15 A. Now I do, yes.

16 Q. And you and another corrections officer  
17 were trying to move him into a cell and at some  
18 point Mr. Linsley spit, and you and the other  
19 officers used force, right?

20 A. We used control tactics.

21 Q. And you said he was muttering some  
22 gibberish, right?

23 A. Correct, on the way to the cell.

24 Q. That force was found to be excessive by  
25 the Hamilton County Sheriff's Office, right?

1 A. No.

2 MS. SEARS: Objection.

3 You can answer.

4 A. No.

5 (Plaintiff's Exhibit 21 was marked for  
6 identification.)

7 BY MS. GONZALES-MARTIN:

8 Q. You've been handed what's been marked  
9 as Plaintiff's Exhibit 21.

10 MS. SEARS: I believe I already did  
11 this, but my colleagues want me to reiterate  
12 an objection to this entire line of  
13 questioning. I think my other objection  
14 covered it, but for the abundance of  
15 caution.

16 BY MS. GONZALES-MARTIN:

17 Q. Take a minute to look through this if  
18 you'd like, but I believe it's the counseling and  
19 some attachments regarding the use of force on  
20 Mr. Linsley. Let me know when you're ready.

21 A. Okay.

22 Q. Take all the time you need, but I'm  
23 just going to ask you a question about the front  
24 page. Take your time if you want to review it.

25 A. Go ahead.

1 Q. There's a narrative in the middle of  
2 the page, the first page of this exhibit, and the  
3 fifth paragraph down starting, Sergeant Menkhaus.

4 Do you see where I'm at?

5 A. Uh-huh.

6 Q. It says, Sergeant Menkhaus advised  
7 that, based on his investigation, he feels the  
8 force used in this incident was not only  
9 excessive, but unnecessary, as well as the  
10 officers involved failed to notify a supervisor  
11 as to the use of force, as well as the officers  
12 failed to file a use-of-force report, which under  
13 general order 208 is required.

14 Did I read that correctly?

15 A. Yes.

16 Q. Does that refresh your recollection  
17 about your supervisor finding that the force used  
18 was excessive?

19 A. Yes.

20 Q. And your supervisors also found  
21 that you violated policy by not reporting the use  
22 of force, correct?

23 A. Not reporting it immediately when I was  
24 trying to do court holding, trying to get the  
25 courts -- I couldn't stop court and say, hey,

1 judge, can I stop this for a minute and let me  
2 take care of this.

3 Q. I'm sorry.

4 A. Go ahead.

5 Q. Were you criminally prosecuted for that  
6 use of force?

7 A. No.

8 Q. Your only discipline was counseling and  
9 letter in your personnel file?

10 A. Yes.

11 Q. Have you ever filed bankruptcy?

12 A. Yes.

13 Q. When?

14 A. 2000, I believe.

15 Q. Was that the only time?

16 A. Yes, ma'am.

17 Q. Are you taking any medications today?

18 A. No, ma'am.

19 Q. What did you do -- and I don't want to  
20 hear about any communications with your  
21 lawyer -- but what did you do to prepare for  
22 today's deposition?

23 A. I read this statement and then the one  
24 that was transcribed for that.

25 Q. The statement you're referring to is

1 Plaintiff's Exhibit 20?

2 A. Correct, summary.

3 Q. Prior to August 13, 2013, did you ever  
4 discharge a firearm at a suspect?

5 A. No, ma'am.

6 Q. Prior to August 13, 2013, did you ever  
7 discharge a taser at a suspect?

8 A. No, ma'am.

9 Q. Since August 13, 2013, have you ever  
10 discharged a firearm at a suspect?

11 A. No, ma'am.

12 Q. Have you ever discharged a taser at a  
13 suspect since August 13, 2013?

14 A. No, ma'am.

15 Q. Have you had any previous experiences  
16 when you arrested a suspect and the suspect was  
17 injured during the arrest?

18 A. I don't recall if he was injured. I  
19 don't believe he was. So no.

20 Q. You're thinking about a specific  
21 instance?

22 A. It was an incident when I first came  
23 out on patrol. But I don't think he was  
24 injured.

25 Q. What happened?

1           A.    He was pursued and we got him in his  
2   house.  He refused to obey any of our verbal  
3   commands.  We made contact with him.  I put  
4   an arm bar on him and put him on the  
5   ground.

6                   But I believe he only had a scrape on  
7   his left side, I believe.  I can't remember,  
8   though.

9           Q.    Did you fill out a use-of-force  
10  report?

11          A.    Correct.

12          Q.    So you received a counseling letter  
13  after the Linsley incident, correct?

14          A.    Yes, ma'am.

15          Q.    And you were verbally counseled in 2007  
16  about your weight, right?

17          A.    Yes, ma'am.

18          Q.    In 2008, October 11, 2008, you received  
19  a written infraction for using a baton against a  
20  citizen and not reporting it, right?

21          A.    I called a patrol -- a patrol officer,  
22  yes.  I called him to do a report.

23          Q.    You received a written --

24          A.    I don't remember that, then.  I think  
25  it was on a detail, I believe.



1 (Plaintiff's Exhibit 22 was marked  
2 for identification.)

3 BY MS. GONZALES-MARTIN:

4 Q. You've been handed what's marked as  
5 Plaintiff's Exhibit 22. Take a minute to look at  
6 it if you'd like.

7 MS. WOEBER: Do you have another copy?

8 MS. GONZALES-MARTIN: I don't.

9 A. Yeah, I remember that.

10 BY MS. GONZALES-MARTIN:

11 Q. Does Plaintiff's Exhibit 22 refresh  
12 your recollection about a written discipline for  
13 using a baton against a citizen and not reporting  
14 it?

15 A. Yes. It was a fight.

16 MS. SEARS: Objection as to form.

17 Go ahead.

18 A. Yes. He was fighting us.

19 BY MS. GONZALES-MARTIN:

20 Q. And you received that discipline in  
21 your personnel file?

22 A. Correct.

23 Q. You got a written counseling in 2009  
24 because of your weight, right?

25 A. Yes. I guess it was the last -- the

<http://www.pyelaw.net/help>

1 other one that you just told me before that,  
2 before the incident and you told me about my  
3 weight?

4 Q. Well, you were warned in 2007 verbally  
5 about your weight?

6 A. Yes.

7 Q. And then in 2009 you got a written  
8 counseling letter about your weight, right?

9 MS. SEARS: Objection.

10 You can answer.

11 A. Yes.

12 BY MS. GONZALES-MARTIN:

13 Q. Then on September 11, 2010, you  
14 received a suspension -- a one-day suspension  
15 based on an incident in which you took an inmate  
16 to the ER and he was able to escape from you?

17 A. Yes.

18 Q. And you were texting at the time that  
19 he escaped, right?

20 A. I was texting to get overtime, yes.

21 Q. And the inmate entered a patient's room  
22 in the hospital without you knowing and the  
23 hospital staff had to order him out?

24 A. Well, he told us. We ordered him out,  
25 yes.

1 Q. Have you been disciplined since  
2 September 11, 2010?

3 A. Not that I know of.

4 Q. Do you believe that you've been trained  
5 adequately as a Hamilton County sheriff's  
6 deputy?

7 MS. SEARS: Objection as to form.

8 A. Yes.

9 BY MS. GONZALES-MARTIN:

10 Q. Is there any training that you wanted  
11 to have before August 13, 2013, that you wanted  
12 to get?

13 MS. SEARS: Objection.

14 You can answer.

15 A. No.

16 BY MS. GONZALES-MARTIN:

17 Q. Is there any training that you've  
18 requested before or since August 13, 2013 that  
19 was not provided to you?

20 A. No.

21 Q. You went to patrol academy through the  
22 Hamilton County Sheriff's Office, right?

23 A. Yes, ma'am.

24 Q. At their training facility?

25 A. Yes, ma'am.

1 Q. And that's OPOTA training?

2 A. Yes, ma'am.

3 Q. That was October 2005?

4 A. Yes, ma'am.

5 Q. Are you certified on the taser X26?

6 A. Yes, ma'am.

7 Q. When were you certified in that?

8 A. I believe September 13th, 2011 or 2010,  
9 one of them.

10 Q. What about the taser X2?

11 A. No.

12 Q. Do you carry a taser on your belt?

13 A. Yes, ma'am.

14 Q. And what kind of taser is it?

15 A. X160.

16 Q. Where are your certificates --

17 MR. GERHARDSTEIN: I didn't hear you.

18 THE WITNESS: X26.

19 BY MS. GONZALES-MARTIN:

20 Q. Where are your certificates of  
21 completion for the taser X26 training?

22 A. Corrections.

23 Q. Is your personnel file -- do you have a  
24 separate personnel file for corrections versus  
25 patrol?

1           A.    I believe they are -- there's the  
2    corrections training and then the patrol  
3    training.

4           Q.    If you wanted to see your X26  
5    certificate, how would you get it?

6           A.    In corrections, I believe, still  
7    there.

8           Q.    Have you had any taser training since  
9    you were certified on the X26?

10          A.    Requals, requalifications.

11          Q.    How often do you do those?

12          A.    Yearly.

13          Q.    Have you done them every year since you  
14    were certified?

15          A.    Last year, just last year. We had some  
16    last year. But through corrections and CERT,  
17    yes, we do when we do our training every month.  
18    We do taser training or whatever training we do.  
19    So yes.

20          Q.    So you were certified on the X26 in  
21    2010 or '11?

22          A.    Correct.

23          Q.    Did you requalify in 2012?

24          A.    Correct, yes.

25          Q.    2013?

1 A. '13, yes.

2 Q. 2014?

3 A. I don't know if we did last year or  
4 not. I can't remember.

5 Q. Have you done it yet this year?

6 A. We haven't had inservice yet.

7 Q. Tell me what the requalification  
8 training consists of.

9 A. For?

10 Q. For the taser.

11 A. The taser? We do a class and then we  
12 do hands-on, drawing. And then we do training  
13 rounds. We draw, shoot, taser, taser shoot,  
14 reholster, reload. And we do a simulation after  
15 that, so we get our new cartridges.

16 Q. So you actually fire the taser?

17 A. Yes.

18 Q. How many times do you fire it in the  
19 requalification training?

20 A. Two.

21 Q. Do you ever get to do it any more than  
22 two times?

23 A. We only have two cartridges.

24 Q. What other training other than taser  
25 training have you received since being on

1 patrol?

2 A. We do reguals on our weapons and  
3 batons. That's it.

4 Q. You also mentioned the domestic  
5 violence training?

6 A. Correct, right, online stuff.

7 Q. Who was your field training  
8 supervisor?

9 A. On?

10 Q. When you joined patrol.

11 A. Lieutenant Orue.

12 Q. Orue?

13 A. Orue, yes, O-r-u-e.

14 Q. And he kept records of your field  
15 training, right?

16 A. Training.

17 MS. SEARS: Objection as to form.

18 A. Training.

19 BY MS. GONZALES-MARTIN:

20 Q. Prior to August 13, 2013, who at the  
21 Hamilton County Sheriff's Office was responsible  
22 for training on use of force?

23 A. It would be, I think, Lee Edwards  
24 maybe.

25 Q. Edwards?

1 A. I believe.

2 MS. SEARS: What was the rest of your  
3 answer?

4 THE WITNESS: Lee Edwards.

5 MS. SEARS: And what did you say?

6 THE WITNESS: I believe.

7 BY MS. GONZALES-MARTIN:

8 Q. What about training on tasers?

9 A. I don't know. I don't know who does it  
10 now.

11 Q. I'm talking about prior to  
12 August 13, 2013.

13 A. Prior to that, it was Ludwig, was the  
14 one that trained me in 2010. He was in  
15 corrections.

16 Q. What about those requalification  
17 trainings?

18 A. Requals, it was Lee Edwards.

19 Q. Is there a training department?

20 A. Yes.

21 Q. Who's the head of that?

22 A. Lieutenant Stuckey. I don't know who  
23 it is now, but it was Lieutenant Stuckey.

24 Q. It was Lieutenant Stuckey prior to  
25 August 13, 2013?



1           A.    Prior -- no.  Prior training would  
2   be -- in ours, in corrections we do training.  
3   Ems was our training for corrections.

4                   And then the other one, I don't recall  
5   who was in charge of it.

6           Q.    So Stuckey is the --

7           A.    After --

8           Q.    -- person in control?

9           A.    Right now, as of right now, yes.

10          Q.    And you don't know when he started?

11          A.    No, I don't know when she started.

12          Q.    Oh, she?

13          A.    Yes.

14          Q.    And what is her title?

15          A.    Lieutenant.

16          Q.    On August 13, 2013, were there any  
17   deputies designated to respond to mentally ill  
18   persons?

19          A.    I don't know.

20          Q.    Were there any deputies assigned to  
21   take persons into custody pursuant to probate  
22   court orders?

23          A.    Court services does all the,  
24   like -- I don't know.  What do you call those?

25          Q.    A temporary order of detention?

1           A.    Like protection orders.  What are you  
2   talking about?

3           Q.    If the probate court is asking the  
4   sheriff's office to bring someone in because  
5   they're a danger to themselves or others.

6           A.    Oh.  I don't know.

7           Q.    You don't know if there's an officer  
8   designated to do that?

9           A.    I don't know.

10          Q.    What specific training did you have  
11   regarding handling mentally ill persons?

12          A.    Specific training?  Just the curriculum  
13   that we have.

14          Q.    What do you mean?  What curriculum is  
15   that?

16          A.    For the OPOTA training.

17          Q.    But you also had the Hamilton County  
18   Sheriff's Office excited delirium training,  
19   right?

20          A.    It's done, right, with the OPOTA  
21   training.

22          Q.    I want to ask about your equipment that  
23   you had on August 13, 2013.

24                So you had a cruiser?

25          A.    Yes.

1 Q. Were you alone with your cruiser?

2 A. Yes, ma'am.

3 Q. Does your cruiser have any video  
4 capability?

5 A. No, ma'am.

6 Q. Does it have audio recording  
7 capability?

8 A. No, ma'am.

9 Q. Do you have video or audio on your  
10 person?

11 A. No, ma'am.

12 Q. I mean, video or audio recording system  
13 on your person.

14 So do you have a computer terminal in  
15 your cruiser?

16 A. Our MDC, yes.

17 Q. MDT?

18 A. MDC.

19 Q. MDC.

20 Did any information come across your  
21 MDC regarding Mr. Roell?

22 MS. SEARS: Objection.

23 You can answer.

24 A. Come regarding Mr. Roell? It was --  
25 no. Just from where I called out where I was

1 going, like teletype type of thing. No, because  
2 it's different. Northeast and east doesn't have  
3 the same.

4 BY MS. GONZALES-MARTIN:

5 Q. You described your radio earlier.

6 You had a radio on your shoulder?

7 A. Correct.

8 Q. And you had a different radio in your  
9 car?

10 A. In my bag, yes.

11 Q. Were both radios on?

12 A. Yes.

13 Q. When you talked to dispatch -- you did  
14 talk to dispatch, right?

15 A. I talked to them when I called the  
16 squad. That was the only time I talked to  
17 them.

18 Q. Well, you radioed that you were going  
19 to respond to the scene, right?

20 A. Correct, I did.

21 Q. You did?

22 A. Northeast, correct, not the east.

23 Q. What did you use to contact dispatch?

24 A. The radio.

25 Q. The radio on your shoulder?

1 A. Yes, ma'am.

2 Q. Did you talk to any -- to any other  
3 Hamilton County Sheriff's employees through your  
4 cruiser about the incident?

5 A. No.

6 Q. There's a chat capability in your MDC,  
7 right?

8 A. Yes.

9 Q. Did you use that?

10 A. No.

11 Q. Did you use a cell phone the night of  
12 the incident?

13 A. I called -- after the incident?

14 Q. Yeah.

15 Did you say you called your son?

16 A. After the incident, yes.

17 Q. Did you call anyone else?

18 A. No.

19 MS. GONZALES-MARTIN: Let's go off the  
20 record for a second.

21 VIDEOGRAPHER: We're off the record.

22 (Off the record.)

23 VIDEOGRAPHER: Back on the record.

24 BY MS. GONZALES-MARTIN:

25 Q. Did you text anyone the night of the

<http://www.yeslaw.net/help>

1 incident?

2 A. No.

3 Q. Did you call or text

4 Deputies Huddleston or Alexander after the

5 incident, either that night or in the days

6 following?

7 A. No.

8 Q. Do you still have text messages on your

9 cell phone.

10 First of all, do you have the same cell

11 phone that you had in August 2013?

12 A. Same cell phone number, different

13 provider.

14 Q. Same phone?

15 A. No. I had a flip phone.

16 Q. Did anyone from the Hamilton County

17 Sheriff's Office ask you to retain your text

18 messages?

19 A. No.

20 Q. What did you have on your duty belt?

21 A. Handgun, right hand; magazine next to

22 my handgun; taser on the left; baton on the left;

23 and then the radio on the far left.

24 Q. Flashlight?

25 A. Flashlight in the back, yes. I'm

<http://www.yclaw.net/help>

1     sorry. Flashlight and a handcuff.

2           Q.     Did you use your flashlight the night  
3     of the incident?

4           A.     Yes.

5           Q.     How did you use it?

6           A.     My smaller one, it was in my pocket.  
7     It was in this hand.

8           Q.     At what point did you bring your  
9     flashlight out?

10          A.     When I went to the back towards the  
11     left side as I was running.

12          Q.     So -- who was your cell phone provider  
13     on 2013?

14          A.     Verizon. Now it's Sprint.

15          Q.     So you -- as you arrived on the scene  
16     and you determined that you were going to go left  
17     to go the long way around the building --

18          A.     Correct.

19          Q.     -- at that point you pulled out your  
20     flashlight?

21          A.     It probably would be in my hand. And  
22     then when I came around the corner, I would do  
23     this, I would turn it on.

24          Q.     Okay. So you had it in your hand when  
25     you made the decision to go - --

1 A. Correct.

2 Q. -- to the left?

3 A. Right.

4 Q. And at what point did you turn it on?

5 A. The first two corners longways, turned  
6 my light on, make sure nobody is around, and then  
7 that's when, around the far right.

8 Q. So it was on from that point --

9 A. Yes.

10 Q. -- until when?

11 A. I believe I had it on the whole time,  
12 but I don't recall when I turned it off.

13 Q. You had it on when you first  
14 encountered Mr. Roell?

15 A. I had it on the first time when I went  
16 around the corner. It's a hand-held  
17 flashlight.

18 Q. Are you friends with  
19 Deputies Huddleston and Alexander?

20 A. Yes.

21 Q. You socialize with them?

22 A. Yes.

23 Q. You've known them since working in  
24 corrections together?

25 A. Yes.



1 Q. Did you know them before that?

2 A. No.

3 MS. GONZALES-MARTIN: No further  
4 questions.

5 MS. SEARS: Just a minute.

6 EXAMINATION

7 BY MS. SEARS:

8 Q. Deputy Dalid, you went over a little  
9 bit with Ms. Gonzales-Martin your patrol academy  
10 training, both at the highway patrol as well as  
11 the sheriff's patrol academy.

12 Do you recall that?

13 A. Yes, ma'am.

14 Q. And you also mentioned to counsel  
15 that you went through the corrections academy  
16 with the Hamilton County Sheriff's Department.

17 Do you recall that?

18 A. Yes, ma'am.

19 Q. And you were here -- well, I should say  
20 were you present when Deputies Huddleston and --  
21 and Deputy Alexander gave their depositions?

22 A. Yes, ma'am.

23 Q. And do you recall that, in their  
24 depositions, that we offered some curricula of  
25 the corrections academy on interpersonal

1 communications training and the OPOTA academy on  
2 crisis intervention in dealing with the special  
3 needs population?

4 Do you recall my having that  
5 conversation with Deputies Huddleston and  
6 Alexander?

7 A. Yes, ma'am.

8 Q. And when you were speaking with  
9 Ms. Gonzales-Martin -- Ms. Gonzales-Martin  
10 concerning your OPOTA and academy training, would  
11 you include those curricula, if you recall, to  
12 your memory in those trainings that you had?

13 A. Yes, ma'am.

14 Q. That was a terrible question, so  
15 thank you for answering it and acting like you  
16 understood it.

17 And do you recall Deputy Huddleston  
18 remarking on -- and Deputy Alexander remarking on  
19 CERT and CERT training?

20 A. Yes, ma'am.

21 Q. And do you recall Deputy Huddleston and  
22 Deputy Alexander remarking on their regularly  
23 scheduled four-hour monthly CERT inservice  
24 training?

25 A. Yes, ma'am.

1 Q. Did you also participate and experience  
2 that training when you were on the CERT team?

3 A. Yes, ma'am.

4 Q. Now, I thought I heard, in response to  
5 Ms. Gonzales-Martin's question regarding excited  
6 delirium, that it was your testimony that you  
7 recall receiving training on excited delirium  
8 when you were in the patrol academy.

9 Is that your memory?

10 A. Yes.

11 Q. In 2005?

12 A. No.

13 Q. No?

14 A. 2005, no.

15 Q. Okay. And then when did you go through  
16 the corrections academy?

17 A. Oh, the corrections academy, I went in  
18 2004, correct.

19 Q. And then when did you go through the  
20 Hamilton County Patrol Academy?

21 A. Which was '05, right? '05.

22 Q. '05?

23 A. Uh-huh.

24 Q. So it's your memory that excited  
25 delirium was in that OPOTA curriculum in 2005?

1 A. I believe.

2 Q. Are you certain?

3 A. Yes.

4 Q. And if you were to see a curriculum  
5 from 2005 versus 2014, would the curriculum be  
6 the best evidence of what was in the curriculum  
7 or your memory?

8 A. It would be the curriculum.

9 Q. Okay. Now, counsel -- opposing counsel  
10 asked you several questions about excited  
11 delirium, symptoms of excited delirium.

12 Do you recall having that conversation  
13 with her?

14 A. Yes, ma'am.

15 Q. And particularly counsel was asking  
16 you -- and I'll just paraphrase -- were you aware  
17 of the extent to which a mental health diagnosis  
18 translates into behavior.

19 Do you recall having conversations with  
20 counsel about how a particular mental health  
21 diagnosis might translate into behavior?

22 A. Yes.

23 Q. Do you know how a diagnosis of paranoid  
24 schizophrenia with perhaps some histrionic  
25 overlay and/or a history of noncompliance with

1 medication and a denial of mental illness -- can  
2 you tell me how that might translate into  
3 behavior?

4 A. No.

5 Q. Can you tell me how a diagnosis of a  
6 manic depressive disorder with suicidal ideations  
7 translates into behavior?

8 A. No.

9 Q. Can you tell me how a personality  
10 disorder of narcissism, histrionics, and -- oh, my  
11 favorite -- explosive impulsive disorder -- can  
12 you tell me how that might translate into  
13 behavior?

14 A. No.

15 Q. Are you aware that the current OPOTA  
16 curriculum has moved away from officer -- police  
17 officer identification of particular psychiatric  
18 disorders and more toward control technique?

19 A. Yes.

20 Q. Are you trained to diagnose mental  
21 health behavior, sir?

22 A. No, ma'am.

23 Q. Are you trained to recognize certain  
24 behaviors as indicative of certain risk factors  
25 for law enforcement and the public and the person

<http://www.yeslaw.net/help>

1 that you're coming into contact with?

2 A. Yes, ma'am.

3 Q. Now, counsel asked you some questions  
4 along this same line about would it be -- what's  
5 the adjective -- helpful, perhaps, would you have  
6 appreciated -- I think that might have been  
7 another term -- I didn't write them down, so it's  
8 just off the top of my head -- knowing more about  
9 a subject that you come into contact with.

10 For example, if he were suicidal, that  
11 he had a firearm, that he was complaining that he  
12 was being bugged and he was being monitored, his  
13 TV was speaking to him, that sort of thing.

14 And you indicated that would be  
15 helpful, right?

16 A. Yes.

17 Q. In terms of assessing a situation when  
18 you come on scene and you first approach a  
19 subject, right --

20 A. Right.

21 Q. -- you indicated if you're aware that  
22 there's some sort of issue with reality, that  
23 that would be helpful, right?

24 A. Yes.

25 Q. Does this person who has some sort of

<http://www.yeslaw.net/help>

1 issue with reality, from your perspective as a  
2 law enforcement officer, is that person more  
3 predictable or less predictable in terms of  
4 whether they'll resort to some sort of  
5 violence?

6 A. Less.

7 Q. Less predictable.

8 Is that person more predictable or less  
9 predictable as to whether or not that person  
10 might not act logically and force you into a  
11 situation of lethal force?

12 A. Less.

13 Q. Less?

14 A. Yeah.

15 Q. Is that person more predictable or less  
16 predictable in terms of whether that person will  
17 put themselves in a position to hurt  
18 themselves?

19 A. Less.

20 Q. Is that person more predictable or less  
21 predictable, from your perspective, as to whether  
22 that person will hurt someone else?

23 A. Less.

24 Q. Is it more likely, when you come into  
25 that contact with that person, or less, that you

1 will get that person under control as quickly as  
2 possible?

3 A. Less.

4 Q. More likely or less likely that you'd  
5 try to get control of them?

6 A. I would try to get control of them,  
7 yes, as quick as I can.

8 Q. And would the unpredictability of their  
9 behavior -- would that be a variable that you  
10 would consider as a law enforcement officer in  
11 terms of whether you'd try to get them under  
12 control?

13 A. Yes.

14 Q. I'm sorry?

15 A. Yes.

16 Q. So let's say that person is jaywalking  
17 across the street. That's a relatively minor  
18 crime, right?

19 A. Correct.

20 Q. I've committed that crime, but I'm not  
21 going to tell you when.

22 And, actually, there's a rule. There's  
23 so many feet you're allowed to do it. I looked  
24 it up once. All right? Just so you know.

25 A. Yes, ma'am.



1 Q. But in the scheme of things, that's a  
2 relatively minor infraction; would you agree?

3 A. Yes, ma'am.

4 Q. If someone were jaywalking  
5 across the street and you said, hey, and they  
6 turned around and started running at you,  
7 Officer, and you told them to stop and they  
8 didn't stop and they kept coming at you and you  
9 arced your taser at them and they didn't stop and  
10 they kept coming at you and they got within that  
11 reactionary gap, would you take control of that  
12 person?

13 A. Yes.

14 Q. Would it matter one hill of beans to  
15 you --

16 A. No.

17 Q. -- what the heck they were doing before  
18 they came at you?

19 A. No.

20 Q. Would it matter one hill of beans to  
21 you, sir, whether they were drunk?

22 A. No.

23 Q. Would it matter one hill of beans to  
24 you whether they were high on PCP?

25 A. No.

1 Q. Would it matter one hill of beans to  
2 you, sir, if, over a two-day period, they managed  
3 to decompensate into an active psychotic state?

4 A. No.

5 Q. Would it have been helpful, sir, from a  
6 law enforcement perspective, for you to  
7 have -- well, I'll strike that.

8 Let me show you, this is our Exhibit K.  
9 Can I show you our Exhibit K? When I say, our, I  
10 mean Defendants' Exhibit K.

11 Can I ask you to look at that first  
12 picture there, sir, which is, I think, number 1  
13 in your copy.

14 A. Yes, ma'am.

15 Q. Is that on the left-hand or right-hand  
16 corner?

17 A. Right-hand corner when -- if you're  
18 looking at it, it's going to be on the left.

19 Q. Okay. Now, do you recall having a  
20 conversation with opposing counsel concerning  
21 when you arrived on the scene, what you did,  
22 where you went, what you saw?

23 A. Yes, ma'am.

24 Q. And I believe, if I'm not mistaken,  
25 that the picture number 3 might be the one

1 that you discussed with Ms. Gonzales-Martin --

2 A. Yes.

3 Q. -- is that right?

4 A. Yes, ma'am.

5 Q. And if I recall your testimony, you  
6 didn't, at the time you pulled up on the scene,  
7 register that open door and that debris that's  
8 pictured next to 10927.

9 Was that your testimony?

10 A. Yes, ma'am.

11 Q. And if I could call your attention  
12 to -- I can't see the numbers on this, so I'm  
13 going to peek at yours if you don't mind, even  
14 though I don't want to be on this videotape  
15 particularly. Is that 6? Yes. May I call your  
16 attention to 6? Thank you.

17 You indicated to Ms. Gonzales-Martin  
18 that when you got on the scene you heard someone  
19 say, hey?

20 A. Yes, ma'am.

21 Q. Could you recognize that voice?

22 A. Yes, ma'am.

23 Q. Whose voice was that?

24 A. Deputy Huddleston's.

25 Q. And when you heard that, were you in

1 visual contact? In other words -- law  
2 enforcement talk -- could you see Huddleston and  
3 Alexander when you heard that?

4 A. No, ma'am.

5 Q. When you arrived on scene, did you see  
6 them?

7 A. No, ma'am.

8 When I arrived on scene, as I was  
9 coming up, I saw a Deputy Huddleston go that --  
10 go right.

11 Q. So you did have a visual of them when  
12 you got on scene?

13 A. Right, as I was pulling up, correct.

14 Q. And when you say, pulling up,  
15 Ms. Gonzales-Martin talked to you about the fact  
16 that there's a street and then there's a parking  
17 area?

18 A. Right.

19 Q. So which was it?

20 A. It was the parking area.

21 Q. Okay. So when you got to the parking  
22 area -- in your cruiser, is that right --

23 A. Yes, ma'am.

24 Q. -- you saw Deputy Huddleston -- and I  
25 don't want to put words in your mouth -- you said

1 it a couple of times -- go around the corner?

2 A. Go around, yeah, to the right.

3 Q. Can I have you flip back one picture?

4 This would be Exhibit --

5 A. 5.

6 Q. -- 5, K-5, right?

7 A. Yes.

8 Q. Is this the direction that you saw

9 Deputy Huddleston going?

10 A. Yes, ma'am.

11 Q. At that point, did you know where

12 Deputy Alexander was?

13 A. No, ma'am.

14 Q. And when was it that you -- I don't

15 know if you can answer this.

16 How much time elapsed from the time you

17 saw Deputy Huddleston run around to when you

18 heard him say, hey?

19 A. I don't -- it was -- I don't know. I

20 don't know.

21 Q. Can I ask you, were you still in your

22 cruiser or had you exited your cruiser when you

23 heard him say that?

24 A. I was just exiting.

25 Q. You were just exiting when you heard

1 him say that?

2 A. Correct.

3 Q. So is it fair, then, you pulled into  
4 the, I guess, parking lot of the condo complex,  
5 you saw Deputy Huddleston go around, you  
6 stopped -- did you continue to pull your cruiser  
7 up to where the other cruisers were before you  
8 got out?

9 A. No. I stopped.

10 Q. You stopped at that point?

11 A. Yes, ma'am.

12 Q. And got out?

13 A. Yes, ma'am.

14 Q. And then you heard, hey?

15 A. Yes, ma'am.

16 Q. And then I think you told counsel --  
17 opposing counsel that you elected then to go  
18 around the other way?

19 A. Yes, ma'am.

20 Q. What was your reasoning for doing  
21 that?

22 A. In case he ran, I could cut him off.

23 Q. And so did you have to run the entire  
24 length of the condo complex and back around the  
25 side, the left-hand side as you face it, and then

1 up the back of the condo complex as reflected in  
2 Exhibit 6?

3 A. Yes, ma'am.

4 Q. And were you running?

5 A. Yes, ma'am.

6 Q. Were you running fast?

7 A. As fast as my legs could take me.

8 Q. As fast as you could?

9 A. Yes, ma'am.

10 Q. Why were you running so fast?

11 A. So I can cut him off.

12 Q. So when you came around that corner and  
13 you were -- was it dark?

14 A. Yes, ma'am.

15 Q. When were you first able to observe  
16 that gate area, if you recall? Can you show us  
17 on the picture where you were?

18 A. Maybe three-quarters down.

19 Q. Three-quarters down toward --

20 A. Going towards the gate.

21 Q. Okay. So your testimony is you were  
22 three-quarters toward the gate in that back area  
23 when you --

24 A. Right.

25 Q. -- first saw them?

1 A. Correct.

2 Q. But you can't pick out anything on this  
3 particular picture to help us with that?

4 A. No.

5 Q. And what did you first recall seeing?  
6 What was your first visual?

7 A. Deputy Huddleston I seen -- as I was  
8 coming up, I seen the deputy try to get him right  
9 outside of the gate, just kind of --

10 Q. So your first visual was one of the  
11 deputies, and you made a motion with both of your  
12 hands, kind of a jerking motion.

13 And did they have contact with  
14 Mr. Roell?

15 A. I believe.

16 Q. Were you able to see that or not?

17 A. I wasn't close, but I could see that.

18 Q. Is that what you thought was happening  
19 or what you saw happening?

20 A. What I saw happening.

21 Q. Okay. And so you think that was  
22 Deputy Huddleston?

23 A. I believe so, yeah.

24 Q. And so you've described that as pulling  
25 him out of the gate because that's how it looked



1 to you?

2 A. Correct.

3 Q. Did you observe anything that Mr. Roell  
4 did prior to the time that you saw Mr. Roell at  
5 that gate area with Deputy Huddleston and  
6 Alexander?

7 A. No, ma'am.

8 Q. Now, since you're coming up along the  
9 back of that gate, am I correct that they were  
10 outside the gate area when you first saw them?

11 A. Yes, ma'am.

12 Q. I'm sorry?

13 A. Yes, ma'am.

14 Q. All three of them?

15 A. Yes, ma'am.

16 Q. So do you have any idea how it was that  
17 Mr. Roell came to be on the outside of that  
18 privacy fence?

19 A. Walking. Like, I guess right at the  
20 edge of it.

21 Q. Okay. Do you have any idea how he came  
22 to be at the edge of it --

23 A. No.

24 Q. -- since you didn't see it?

25 A. No, I do not.

1 Q. And I'm sorry if I'm repeating this.

2 Were you already heading in the  
3 left -- in that direction before you heard  
4 Deputy Huddleston say, hey?

5 A. No.

6 Q. Were you already -- no. Okay.  
7 You were just getting out of your car?

8 A. Correct.

9 Q. I couldn't remember that. I apologize.  
10 Did you have a plan with

11 Deputy Huddleston and Deputy Alexander that you  
12 would go around the left side and they went  
13 around the right side when you got there?

14 A. No, ma'am.

15 Q. How did you know to do that?

16 A. Just instinct for -- instinct,  
17 basically. Just kind of training. And you know  
18 that an officer is down that way, he's got to go  
19 out this way, there's an exit out on the left  
20 side, so --

21 Q. And in your -- in one of either the  
22 interview or maybe it was when we were covering  
23 your written statement or maybe it was in  
24 Ms. Gonzales-Martin's question -- I'm not certain  
25 now -- you indicated something about someone was

1 on the other side.

2 When you first saw -- and I think I'm  
3 repeating myself now. When you first saw  
4 Mr. Roell -- you now know to be Mr. Roell and the  
5 two deputies, were any of them inside the patio  
6 area or were they outside the patio area as  
7 you've described?

8 A. You're talking about the victims or the  
9 deputies?

10 Q. I'm talking about the deputies, I'm  
11 sorry, and Mr. Roell.

12 They were outside that gate?

13 A. Correct.

14 Q. And was one, Deputy Huddleston, on one  
15 side and Deputy Alexander on the other side of  
16 him, or do you recall that?

17 A. I know Deputy Huddleston was to the  
18 right of -- to the right of Mr. Roell.

19 Q. And if you don't mind just looking at  
20 Exhibit K again and just taking a few minutes to  
21 just kind of go through those pictures, at  
22 various times there are some debris and things  
23 that look out of place and that may be out of  
24 place or may not be out of place.

25 Have you had a chance to look through

<http://www.yeslaw.net/help>

1 those?

2 A. Yes, ma'am.

3 Anything out of place out of it?

4 Q. No, no, no. I just wanted to make sure  
5 you had an opportunity to look at those.

6 I realize now why I'm not seeing the  
7 numbers. Because I don't have the numbers on my  
8 copy.

9 So I think we've talked about  
10 pictures 1, 2, and 3 in terms of whether or not  
11 you observed that debris; haven't we?

12 A. Yes.

13 Q. And the answer was no?

14 A. Right.

15 Q. And then if you could look at  
16 pictures 8, 9, 10, 11, 12, 13, 14, if you recall,  
17 is that the patio area of the complainant or the  
18 person whose condo you arrived to where Mr. Roell  
19 was located at the time?

20 A. Yes, ma'am.

21 MS. GONZALES-MARTIN: What page number?

22 MS. SEARS: I'm sorry. 8 through 14.

23 And it would start with this picture.

24 BY MS. SEARS:

25 Q. At the time when you arrived at the

1 scene and saw the three, Deputy Alexander,  
2 Huddleston, and Mr. Roell, outside the patio,  
3 outside the privacy fence, did you observe this  
4 broken window?

5 A. No, ma'am.

6 Q. Did you observe what appears to be, I  
7 guess, dirt or something under that window?

8 A. No, ma'am.

9 Q. Did you observe that screen out?

10 A. No, ma'am.

11 Q. Now, other than that, as you look  
12 through these pictures, other than the broken  
13 window and the dirt, do you see any other kind of  
14 disruption or damage to this patio area?

15 A. No, ma'am.

16 Q. Huh? What?

17 A. No, ma'am.

18 Q. Now, if you don't mind looking at  
19 pictures 16 and 17 -- they're these pictures,  
20 yes -- did you ever go inside the complainant's  
21 residence?

22 A. No, ma'am.

23 Q. If you could look at pictures 18  
24 through 23, did you ever see this area before?

25 A. No, ma'am.

1 Q. Did you ever go in Mr. Roell's condo?

2 A. No, ma'am.

3 Q. Did you ever see Mr. Roell's patio?

4 A. No, ma'am.

5 Q. If you could look at Exhibit 25, 26,  
6 27, 28, 29, 30, 31, 32 -- keep going until I tell  
7 you to stop and come back -- I'm at 45 -- through  
8 47, let me know when you get there.

9 A. 47?

10 Q. 47.

11 A. Yes.

12 Q. Did you ever see any of the images that  
13 are reflected in those pictures you've just  
14 looked at, in real life?

15 A. No, ma'am.

16 Q. Any of that parking lot debris or any  
17 landscaping?

18 A. No, ma'am.

19 Q. No.

20 Have you ever had a dirty-house case,  
21 what we commonly call a dirty-house case?

22 A. Yes, ma'am.

23 Q. And describe for me what you  
24 found -- have you personally had a dirty-house  
25 case?

1 A. Yes, ma'am.

2 Q. Was that person mentally ill?

3 A. No, ma'am.

4 Q. Did that person have a substance abuse  
5 problem?

6 A. Yes, ma'am.

7 Q. And in that dirty-house case, can you  
8 tell me what kind of situation you encountered  
9 in that dirty-house -- what we call a dirty-house  
10 case?

11 A. It had dishes all over the place on the  
12 counters, mail. Papers were on the floor. I  
13 mean, the bedrooms were pretty ransacked.

14 Q. And in your dirty-house case, was the  
15 person who was the subject of that dirty-house  
16 case, was that person a hoarder?

17 A. No, ma'am.

18 Q. Did you ever have a dirty-house case  
19 where someone hoarded garbage?

20 A. No, ma'am.

21 Q. Or dirty diapers?

22 A. No, ma'am.

23 Q. Have you ever had a dirty-house case  
24 where the only thing present in one of the rooms  
25 where the children were living was a mattress and

<http://www.yeslaw.net/help>

1 feces all over the floor?

2 A. No, ma'am.

3 Q. So in your particular dirty-house  
4 case -- have you only had one?

5 A. Yes, ma'am.

6 Q. So I'd like you to look at Exhibits 80  
7 and -- I mean, you have looked at those already,  
8 right?

9 A. I just looked, yes, ma'am.

10 Q. No, no, no. I asked you to look  
11 through all of them. So start with 80.

12 A. I'm sorry.

13 Q. It's always my fault if you're  
14 confused. I'm pretty comfortable with that  
15 concept. All right.

16 So look at these pictures -- did you  
17 ever see on the inside of the Roells' condo?

18 A. No, ma'am.

19 Q. If you saw the inside of this condo,  
20 would you necessarily assume that someone had a  
21 two-day decompensation into a psychiatric  
22 emergency or a psychotic state?

23 A. No, ma'am.

24 Q. What could be other possibilities for  
25 this, for the disarray that's reflected in these



1 pictures, from your experience?

2 A. Either hoarding or somebody is on  
3 drugs.

4 Q. Ms. Martin-Gonzales -- or  
5 Gonzales-Martin -- I'm so sorry -- asked you a  
6 series of questions about excited delirium and  
7 some observations that you made about Mr. Roell  
8 the night you encountered him.

9 Do you recall that conversation?

10 A. Yes, ma'am.

11 Q. And I think, if I recall, that the four  
12 features that were discussed were aggressive,  
13 combative -- and you had some conversation with  
14 counsel about whether those might sort of  
15 replicate one another, right?

16 A. Yes, ma'am.

17 Q. And the naked from the waist down,  
18 right?

19 A. Yes, ma'am.

20 Q. And the strength that Mr. Roell  
21 exhibited?

22 A. Yes, ma'am.

23 Q. When you first came into contact with  
24 Mr. Roell, when you came upon him outside that  
25 gate area with Deputies Alexander and Huddleston,

1 did you appreciate that he didn't have any pants  
2 on and he was naked?

3 A. No.

4 Q. I got a little confused when you all  
5 were talking about that.

6 And so when did you first observe that  
7 Mr. Roell, in this encounter -- that Mr. Roell  
8 didn't have pants on?

9 A. When we were trying to get control of  
10 him on the outside.

11 Q. And I think you were asked specifically  
12 if you recall Mr. Roell being hot to the touch,  
13 and you said you did not recall that; is that  
14 correct?

15 A. No, ma'am.

16 Q. And I think I recall you were asked  
17 whether or not Mr. Roell was wet, and I believe  
18 you said you didn't recall that --

19 A. Correct.

20 Q. -- is that correct?

21 A. Yes, ma'am.

22 Q. Now, I think that it was your testimony  
23 that your perception, based on your experience,  
24 was that you felt Mr. Roell might be on PCP?

25 A. Yes, ma'am.

1 Q. And in your -- have you had experience  
2 with people that have ingested PCP before?

3 A. No, just by looking through -- I  
4 actually seen it on a video. Just the strength  
5 of, you know -- there's a video of a lady,  
6 another officer, and a black male. He was naked.  
7 I mean, he was very agitated, did use a taser and  
8 he didn't go down, beat up the lady, had the  
9 officer --

10 Q. Was this a training video?

11 A. I believe it was. I can't recall.

12 Q. Was it a real-life incident that was  
13 used in training or it was a mock?

14 A. I think it was -- it was an incident,  
15 but I don't know if it was --

16 Q. If it's real or not?

17 A. Correct.

18 Q. Okay. Fair enough.

19 And was this person aggressive?

20 A. Yes.

21 Q. And was this person in the video  
22 combative?

23 A. Yes.

24 Q. And were they naked?

25 A. Yes.

1 Q. Some form of naked, some degree of  
2 naked?

3 A. Full naked.

4 Q. Full naked. They were completely  
5 naked?

6 A. Yes.

7 Q. And in the video, did they appear to  
8 have strength --

9 A. Yes.

10 Q. -- beyond what you would anticipate?

11 A. Yes, ma'am.

12 Q. Now let's take out the strength part  
13 for a second. In terms of someone being  
14 aggressive, combative, and naked, is that -- does  
15 that indicate to you what their mental health  
16 state is?

17 A. No, ma'am.

18 Q. Does that indicate to you even that  
19 they may be under the influence of something,  
20 necessarily? In other words, have you had  
21 contact with people who were aggressive and  
22 combative and maybe naked that were stone-cold  
23 sober, to your knowledge?

24 A. Somebody's on bath salt.

25 Q. Oh, bath salts?

1 A. Yes.

2 Q. What effect can that have? Now, that's  
3 not stone-cold sober, right?

4 A. No. Just strength, the strength. He  
5 was very strong and he was kind of really -- what  
6 do you call -- getting really spastic. Two  
7 officers couldn't hold him down.

8 Q. Now --

9 A. He was foaming.

10 Q. I'm sorry?

11 A. He was foaming at the mouth.

12 Q. He was foaming at the mouth?

13 A. Correct.

14 Q. This strength that has been exhibited  
15 in Mr. Roell's situation and in the situation  
16 that you described where you personally  
17 experienced it -- not the training, because you  
18 didn't have your hands on that person, right?

19 A. No.

20 Q. So I just want to focus on Mr. Roell  
21 and this other person. The strength that he  
22 exhibited, are you able to determine whether that  
23 strength is being exhibited because they're  
24 impervious to pain or because something about  
25 their state of intoxication makes them actually

1 stronger? Do you know what's going on with them  
2 metabolically?

3 A. No, ma'am.

4 Q. Do you know what's going on with them  
5 physically?

6 A. No, ma'am.

7 Q. Now, you had a conversation with  
8 Ms. Gonzales-Martin about the gate shutting, the  
9 going in after Mr. Roell at the time the gate is  
10 shutting.

11 Do you recall that conversation?

12 A. Yes, ma'am.

13 Q. Now, Deputies Huddleston and Alexander  
14 have testified and explained to us that the taser  
15 was employed at the time -- just prior to  
16 Mr. Roell going into that gate.

17 Do you recall that testimony?

18 A. Yes, ma'am.

19 Q. And that three of you continued on  
20 after Mr. Roell after that tasing.

21 Do you recall that?

22 A. Yes, ma'am.

23 Q. The testimony thus far has been that  
24 the taser was still cycling through its  
25 five-second cycle as you guys -- meaning you,

1 Huddleston, and Alexander -- went into that gate  
2 area behind Mr. Roell.

3 Do you remember that testimony?

4 A. Yes, ma'am.

5 Q. Is that your recollection, as well?

6 A. Yes, ma'am.

7 Q. So Ms. Gonzales-Martin asked you a  
8 series of questions about -- for example, I think  
9 one was, do you -- once that gate was shut, was  
10 Mr. Roell -- and she didn't say, to your  
11 knowledge, but I'll add -- to your knowledge,  
12 hurting anyone?

13 A. No.

14 Q. Do you recall that conversation?

15 A. Yes, I do.

16 Q. And you said no?

17 A. Correct.

18 Q. Did Mr. Roell have an opportunity, once  
19 he went through that gate, to have enough time  
20 in that patio to hurt anyone?

21 A. No. We didn't give him enough -- try  
22 to give him enough.

23 Q. Did Mr. Roell, in your opinion, have an  
24 opportunity to destroy any property?

25 A. No.

1 Q. Did Mr. Roell have an opportunity to  
2 pick up any weapon?

3 A. No.

4 Q. Sir, was that part of the idea of going  
5 in after him?

6 A. Yes, ma'am.

7 Q. Now let's play a little coulda shoulda  
8 woulda. Do you know the coulda shoulda woulda?  
9 Have you heard of that before?

10 A. Yes, ma'am.

11 Q. My dad was a lawyer. My mom was the  
12 one with all the sense. She never graduated from  
13 high school, but I think she could have run the  
14 world.

15 So she used to tell me, woulda coulda  
16 shoulda. Okay? So I want to play a little  
17 woulda coulda shoulda with you. All right?

18 When Mr. Roell shut that gate, the  
19 three of you stood outside the gate. Okay? Are  
20 you with me?

21 A. Yes, ma'am.

22 Q. And you're talking about what you're  
23 going to do. Okay?

24 A. Yes, ma'am.

25 Q. How long does that take?



1 A. Don't know.

2 Q. And let's say -- well, let me ask you  
3 this.

4 What's Mr. Roell doing inside that  
5 gated area while you all are standing out there  
6 making your plan?

7 A. I don't know.

8 Q. Is Mr. Roell going to damage any  
9 property while he's in there? Do you know?

10 A. No, I don't.

11 Q. Is Mr. Roell going to go into that  
12 house?

13 A. I don't know.

14 Q. If Mr. Roell goes into that house, is  
15 he going to hurt anybody?

16 A. If he goes -- once he goes in, yes.

17 Q. How do you know that? Do you know he  
18 is?

19 A. No, I don't know, I guess.

20 Q. Who's in that house?

21 A. I don't know.

22 Q. You know there's a complainant in  
23 there, right?

24 A. Correct, family.

25 Q. Do you know of anybody else in there?

1 A. No, I don't.

2 Q. Are there any guns in that house?

3 A. We don't know.

4 Q. Are there knives in that house?

5 A. I don't know.

6 Q. Probably?

7 A. I'm sure there is, kitchen.

8 Q. Kitchen knives maybe. Okay.

9 So you all are standing out there  
10 making your plan, maybe make a plan to call EMS  
11 maybe, wait for a couple other officers to get  
12 there.

13 How long will you wait?

14 A. I don't know.

15 Q. What's Mr. Roell doing while you're  
16 waiting?

17 A. I don't know.

18 Q. Is there another way -- let's say, for  
19 example, if Mr. Roell were in that patio, is  
20 there a way for him to get into that house?

21 A. Yes.

22 Q. Is there a way for him to get out of  
23 that house?

24 A. Yes.

25 Q. Would one of your concerns be Mr. Roell

1 leaving the scene? If he's in that patio, that

2 he could get out the patio and leave the scene?

3 A. No.

4 Q. It's not a concern of yours?

5 A. That he might be able to, yes.

6 Q. Why is that a concern?

7 A. For the family and for him. Let's say  
8 he gets out the front door, you get hit by one of  
9 the officers that was coming, and then we have a  
10 problem; we didn't protect him.

11 Q. Okay. So I guess one of you could have  
12 run around the front, right, and gone to the  
13 front door to keep him from getting out, right?  
14 I mean, you could have done that, right?

15 A. Could have, yes.

16 Q. Okay. How long does that take?

17 A. I don't know.

18 Q. And what's Mr. Roell doing while you're  
19 running around to the front of the house?

20 A. Can't see. I don't know.

21 Q. Let's say you get to the front of the  
22 house. Is the door open?

23 A. I don't know.

24 Q. If it isn't open and it's locked, how  
25 do you get in there?

1           A.    Knock on the door, but I don't know how  
2   to get in there.

3           Q.    How long will it take the homeowner to  
4   come and let you in?

5           A.    I don't know.

6           Q.    When you get in -- let's say you get in  
7   the front door, where is Mr. Roell?

8           A.    We don't know.

9           Q.    Does he have a weapon?

10          A.    I don't know if he does or not.

11          Q.    Are you by yourself?

12          A.    I am. I would be, yes.

13          Q.    Is that a tactical disadvantage in that  
14   situation, to go from three officers to a  
15   situation where you're potentially one-on-one  
16   with Mr. Roell?

17          A.    Yes, I am.

18          Q.    Why is that a tactical problem?

19          A.    Because the strength that he had, you  
20   know. Just because you have two officers in the  
21   back and then you have me, and now I don't know  
22   what he's doing in the back yard because I can't  
23   see.

24          Q.    Okay. So let's say you get through  
25   that house and you come to the back of that

1 house. And let's say you see Mr. Roell on that  
2 patio. Let's just say that, okay --

3 A. Yeah.

4 Q. -- just because we're playing woulda  
5 coulda shoulda?

6 Can I ask you to look at Exhibit K  
7 again? Could I ask you to look at picture 5,  
8 K-5? Is that 5? Maybe it is.

9 How about 8? That's the problem with  
10 having old lawyers who can't see. Picture 8.

11 Do you see that?

12 A. Yes, ma'am.

13 Q. You see those two windows?

14 A. Yes, ma'am.

15 Q. And you see that doorway?

16 A. Yes, ma'am.

17 Q. Look at picture 9.

18 Do you see that doorway?

19 A. Yes, ma'am.

20 Q. And in that doorway there's two other  
21 windows.

22 Do you see that?

23 A. Yes, ma'am.

24 Q. Now, it seems to me that you could  
25 see -- let's assume Mr. Roell is still in that

1 patio area. You could see Mr. Roell from those  
2 four windows and that door, perhaps, right?

3 A. Yes, ma'am.

4 Q. So would you strategically place  
5 yourself behind any of those doors or windows,  
6 Officer, to observe Mr. Roell while you're  
7 waiting for whoever is coming?

8 A. No.

9 Q. Why not?

10 A. Because he could throw something at the  
11 window and take you out himself.

12 Q. In fact, when we look at -- I guess we  
13 have pictures of a plant going through that  
14 window, at least what appears to be.

15 If you find them before I do, you can  
16 bail me out. Oh, here they are. Picture 16,  
17 hold your place there.

18 Picture 16, do you see that? Do you  
19 see that pot on the floor, 16?

20 And then 17, do you see that pot?

21 A. Yes, ma'am.

22 Q. Does that look like a ceramic pot to  
23 you?

24 A. Yes, ma'am.

25 Q. Now, Officer, if you're strategically

1 placed behind some of those doors and windows  
2 watching Mr. Roell and a pot goes through that  
3 window and maybe gets glass in your eye and  
4 incapacitates you, is that a problem for you?

5 A. Yes, ma'am.

6 Q. And why would that be a problem for  
7 you?

8 A. Because then he has access to my  
9 weapons.

10 Q. Is that a problem for you?

11 A. Yes, ma'am.

12 Q. And why is that a problem for you?

13 A. I would get hurt.

14 Q. Potentially?

15 A. Correct.

16 Q. What about anybody else?

17 A. Correct, with the other two deputies in  
18 the back and the family.

19 Q. So if you were not going to position  
20 yourself behind any of these windows or doors,  
21 how would you observe Mr. Roell in the back of  
22 that patio? Do you know?

23 A. No, ma'am, I cannot.

24 Q. Is it important to observe Mr. Roell  
25 the entire time?

1 A. Yes, ma'am.

2 Q. Why is that?

3 A. So we know what he's doing.

4 Q. Why?

5 A. To protect him and protect ourselves.

6 Q. Now let's say you decide, for some  
7 reason, to position yourself back there and there  
8 is a way that you can see Mr. Roell in that patio  
9 in a way that you think provides officer safety.

10 Let's just assume that's the case. Are  
11 you with me? Because we're playing woulda coulda  
12 shoulda, right?

13 A. Yes, ma'am.

14 Q. And you see Mr. Roell go take a  
15 shoulder and do a football move through that back  
16 gate. Okay?

17 A. Yes, ma'am.

18 Q. Where are Deputy Huddleston and  
19 Alexander at that point?

20 A. At that gate.

21 Q. How do you know that?

22 A. Because I left them there.

23 Q. What if they aren't still there?

24 A. (No response.)

25 Q. Okay. So do you know where they are?

<http://www.yeslaw.net/help>



1 A. No.

2 Q. Let's assume you're right and you left  
3 them there, so you're assuming they're staying  
4 there. Does one of them get knocked over by  
5 Mr. Roell?

6 A. Yes.

7 Q. How do you know that?

8 A. If he's -- he's back at the gate.

9 Q. Okay. It's possible?

10 A. Possible, correct.

11 Q. Okay. Is it possible that one of the  
12 deputies could get knocked down and incapacitated  
13 by Mr. Roell?

14 A. Possible, yes.

15 Q. Is that a problem?

16 A. Yes, ma'am.

17 Q. Why is that a problem?

18 A. It's a one-on-one again.

19 Q. It's a one-on-one what? What do you  
20 mean?

21 A. One-on-one fight for your life.

22 Q. Okay. So let's say Deputy Huddleston  
23 is on the ground and now we got just  
24 Deputy Alexander and Mr. Roell; is that right?

25 A. Yes, ma'am.

1 Q. Now, if Deputy Huddleston is on the  
2 ground, is his weapon vulnerable?

3 A. Yes, ma'am.

4 Q. Does Mr. Roell grab his weapon?

5 A. I'm sorry?

6 Q. Does Mr. Roell grab his weapon in this  
7 scenario?

8 A. He --

9 Q. Do you have any way of knowing whether  
10 that is going to happen or not?

11 A. I don't have -- a possibility, I guess,  
12 but you don't --

13 Q. But you don't know?

14 A. I don't know.

15 Q. Are you trained to avoid that  
16 situation, sir?

17 A. Yes, ma'am.

18 Q. Now let's say -- we're playing woulda  
19 coulda shoulda. So now you're in the back,  
20 guarding that door and protecting that family.

21 Well, here's a woulda coulda shoulda.  
22 Why don't you just tell that family to go out in  
23 the front yard and go out of their house?  
24 Wouldn't that be the best way to protect them?

25 A. No.

1 Q. What?

2 A. No.

3 Q. Why?

4 A. Let's say he gets out and deputies  
5 weren't there and he ended up hurting his  
6 family.

7 Q. So, in your experience, just from a  
8 tactical standpoint, where would you put the  
9 family? Let's assume that you get into that  
10 situation, the family is inside the house. Where  
11 would you put them?

12 A. I'd put them in the bathroom.

13 Q. In the bathroom?

14 A. Or a bedroom, yes, ma'am.

15 Q. Is that something you've been trained  
16 to do?

17 A. Yes, ma'am.

18 Q. Would that be sort of a hostage  
19 training? What kind of training would that be?  
20 Subject control training? Where would you have  
21 that training, if you recall?

22 A. I don't recall having it. Common  
23 sense.

24 Q. Okay. So now we have -- in my woulda  
25 coulda shoulda, we have the back gate blowing

1 open from Mr. Roell putting a shoulder into it --  
2 because we know he has a lot of strength at this  
3 point, right?

4 A. Yes, ma'am.

5 Q. And he knocks over one of the deputies,  
6 struggles with the other deputy, and takes off  
7 running into the darkness, whatever is behind his  
8 condo. What is behind this condo complex?

9 A. I don't know.

10 Q. Is that a problem?

11 A. Yes, ma'am.

12 Q. Are any of these other condos  
13 occupied?

14 A. I don't know. Possibly.

15 Q. Does Mr. -- is Mr. Roell able to get  
16 into any of these other condos?

17 A. I don't know.

18 Q. And then let's say Mr. Roell runs off  
19 and he's starting to take off now.

20 You say that's a problem for you?

21 A. Yes, ma'am.

22 Q. Why is that a problem?

23 A. For his safety.

24 Q. Now let's say Mr. Roell, through no  
25 part of his own -- through no fault of his own,

1 but because of your plan, puts himself in a  
2 position where he's able to grab one of your  
3 guns.

4 Is that a lethal force situation, sir?

5 A. Yes, ma'am.

6 Q. Would you shoot him?

7 A. Yes, ma'am.

8 Q. So in our conversation so far, in our  
9 game of woulda coulda shoulda -- I think I  
10 counted 22 I don't knows. Okay?

11 A. Yes, ma'am.

12 Q. You didn't count them; I counted them.  
13 But just for our conversation, let's say I'm  
14 close.

15 A. Yes, ma'am.

16 Q. Close enough for jazz.

17 In your line of work, sir, how many I  
18 don't knows does it take to get you killed or  
19 someone else killed?

20 A. One.

21 Q. Just the other, maybe a week or so ago,  
22 did you have an I-don't-know incident?

23 A. Yes, ma'am.

24 Q. Tell me about that.

25 A. It was a noise complaint at Mason Way

<http://www.elyseawesthelp.com>

1 Court. My partner and I responded. We seen the  
2 vehicle, approached the vehicle. There were  
3 three gentleman that was in the vehicle. Asked  
4 for IDs, checked the backs, get back and see if  
5 he was okay.

6 Q. What do you mean you checked it?  
7 You're holding up your hand. You have a  
8 flashlight in your hand?

9 A. I have a flashlight, yes, ma'am.

10 Q. What do you mean check it?

11 A. Check, you know, see who he is, what he  
12 looked like, if I can get information who's back  
13 there, if there was any kids, whatever.

14 I checked back there, went back and  
15 talked to him, talked to the driver.

16 Q. And what were you investigating, a  
17 complaint?

18 A. Noise complaint.

19 Q. Noise complaint?

20 A. Right.

21 And I explained to him, hey, we got a  
22 complaint here about the noise. You guys are  
23 making too much noise.

24 I asked for information, for IDs.

25 My partner, Deputy Johnson, came up.

1 She smelled the odor of marijuana and then told  
2 the driver, hey, who'se smoking marijuana? Where  
3 is it at?

4 And the driver said, we have it, I have  
5 it.

6 All right. We're going to search the  
7 vehicle.

8 As I was pulling the driver out, the  
9 rear passenger asked Deputy Johnson, hey, can I  
10 talk to you?

11 And I wasn't listening, you know. I  
12 was kind of focused on the driver, patted him  
13 down. I sat him down next to his car.

14 And as Deputy Johnson was talking to  
15 the gentleman, the rear passenger said that, I'm  
16 under disability. I have a firearm. It's  
17 underneath my seat.

18 I didn't know he had it in there. It  
19 wasn't seen. And he did have a loaded .45.

20 Q. Legally, you didn't have any reason at  
21 that point necessarily --

22 A. Correct.

23 Q. -- until then to go in and sweep for  
24 weapons necessarily?

25 A. Correct.

1 Q. So this was a situation where you  
2 didn't know a firearm was present, right?

3 A. Yes, ma'am.

4 Q. And nothing happened; it ended all  
5 well, right?

6 A. Yes, ma'am.

7 He made the decision not to shoot me,  
8 because he had ample time to shoot me.

9 Q. Now, you had a conversation with  
10 Ms. Gonzales-Martin about the manner in which you  
11 took Mr. Roell into control.

12 Do you remember that conversation that  
13 you had?

14 I thought you mentioned arm bar  
15 technique --

16 A. Yes, ma'am.

17 Q. -- and handcuff technique; is that  
18 right?

19 A. Yes, ma'am.

20 Q. You heard -- I forget -- I think it was  
21 Deputy Alexander -- I could be wrong -- but in  
22 the last couple depositions explained to us their  
23 view of the difference between subject control  
24 and hard hands touching.

25 Do you recall hearing that testimony?



1 A. Yes, ma'am.

2 Q. Would you agree there's a  
3 distinction?

4 A. Yes, ma'am.

5 Q. And when you're talking about an arm  
6 bar technique, is that a subject control  
7 technique or is that a hard hands technique?

8 A. Subject control.

9 Q. What about your handcuff technique, is  
10 that a subject control technique or is that a  
11 hard hands technique?

12 A. Subject.

13 Q. Did you ever use any hard hand  
14 techniques with regard to taking Mr. Roell into  
15 custody?

16 A. No.

17 Q. And you had conversation with  
18 Ms. Martin about Mr. Roell becoming calm,  
19 snoring, agitated, calm.

20 Do you remember that conversation you  
21 all had?

22 A. Yes, ma'am.

23 Q. I got a little confused, so I want you  
24 to clarify for me, if you recall.

25 When you were at Mr. Roell's shoulder

<http://www.yeslaw.net/help>

1 as you've described, how many times did he become  
2 calm, then was snoring, then got agitated then --  
3 how many times did that occur, if you recall?

4 A. Snoring, twice. And I don't recall for  
5 the other three. I know the ones that -- I know  
6 the snoring twice.

7 Q. All right. So he got calm, snored,  
8 then got agitated again, got calm, and snored,  
9 and got agitated again?

10 A. Yes, ma'am.

11 Q. Okay. That's what I was confused  
12 about.

13 When Mr. Roell would become calm, as  
14 you all described it, what would be your reaction  
15 to that -- or did you have a reaction, is a  
16 better question?

17 A. We had time to get ourselves together  
18 and call for a squad.

19 Q. And when -- you sort of made a motion  
20 with yourself, like almost a sighing motion.

21 A. Right.

22 Q. Is that what you mean?

23 A. Right. Just, you know, he's calm. You  
24 know, we got to get ourselves together because  
25 once -- you can try to control this, you know,

1 try to control Mr. Roell, you know, and it's  
2 hard.

3 Q. So you made the sort of sign of a  
4 surrendering motion.

5 Was there a sense of relief then; you  
6 got it under control; we don't have to have any  
7 more physical confrontation?

8 A. Yes, ma'am.

9 Q. And then Mr. Roell became agitated?

10 A. Yes, ma'am.

11 Q. Now -- excuse me, pardon me -- by the  
12 second or third time, did you still continue to  
13 relax your hold on him when he would relax?

14 A. Yes, ma'am.

15 Q. There's been some testimony, and I  
16 think Deputy Alexander, that someone was -- maybe  
17 Deputy Alexander, I can't remember -- relax,  
18 help's coming, relax.

19 Do you recall hearing that?

20 A. I don't recall.

21 Q. Do you operate in a perfect world,  
22 sir?

23 A. No, ma'am.

24 Q. What?

25 A. No, ma'am.

1 Q. Can all the training in the world  
2 necessarily prepare you for the things that you  
3 come across?

4 A. No, ma'am.

5 Q. You had a conversation with  
6 Ms. Gonzales-Martin about whether or not  
7 Mr. Roell was on his stomach or how that all  
8 occurred.

9 In your training, have you been exposed  
10 to the concept of arrest-related deaths, people  
11 that can die in your custody?

12 A. You mean training-wise?

13 Q. Yes.

14 A. Yes.

15 Q. Have you ever had an arrest-related  
16 death before this?

17 A. No.

18 Q. Since this?

19 A. No, ma'am.

20 Q. Now, is your training designed to help  
21 you try avoid arrest-related deaths?

22 A. Yes, ma'am.

23 Q. Was Mr. Roell ever on his stomach  
24 with you sitting and exerting pressure on his  
25 back in a way that would, from your training

1 perspective, potentially interfere with his  
2 breathing and result in positional  
3 asphyxiation?

4 A. No.

5 Q. How tall are you?

6 A. 4'11" and three-quarters.

7 Q. We've had some conversation about your  
8 weight. Frankly, I'm glad I'm not being deposed  
9 by Ms. Gonzales-Martin. I lie on my driver's  
10 license about my weight; I'll admit that, too.

11 How much did you weigh at the time of  
12 this investigation, if you know?

13 A. I don't know, 160.

14 Q. I'm sorry?

15 A. 160 or so.

16 Q. And you said -- in response to a  
17 question about who opened the gate, you said, I  
18 couldn't see, I couldn't reach it.

19 That gate, could you reach the latch to  
20 unlock that gate?

21 A. No, ma'am.

22 Q. Did you try?

23 A. You feel very small when you're  
24 exerting energy and things like that, and you  
25 look up and you're like, oh, boy, am I tall

1 enough to do this? And, to me, I wasn't tall  
2 enough to reach it.

3 Q. So did you back off then?

4 A. Yes, ma'am.

5 Q. And someone else opened the gate?

6 A. Yes, ma'am.

7 Q. Now, if you could look at Exhibit 20,  
8 that's the incident report that you were shown.

9 Is there a difference between an  
10 incident report and a narrative, which is a part  
11 of a report, sir?

12 A. The incident report in front of me is a  
13 summary of what happened instead of having the  
14 whole thing.

15 Q. And do we refer to that as a  
16 narrative?

17 A. (Nodding head.)

18 Q. Now, when you're actually doing a  
19 report, it consists of more than a narrative,  
20 doesn't it, sir?

21 A. Yes, ma'am.

22 Q. Do you know if there's anything else  
23 besides the narrative that you were asked to  
24 do?

25 A. No, ma'am.

1 Q. Ms. Gonzales-Martin asked you, how many  
2 times have you dealt with a subject where there  
3 was a loss of reality and loss of control. And  
4 your first response was four. And then you and  
5 she talked about some pink-slipping episodes.

6 Do you recall that?

7 A. Yes, ma'am.

8 Q. In your law enforcement career, have  
9 there been four or five episodes where you've  
10 dealt with a subject who's lost control?

11 A. No.

12 Q. What?

13 A. No.

14 Q. How many times have there been?

15 A. You mean lost control of themselves?

16 Q. Yeah, just lost control of themselves  
17 for whatever reason.

18 A. And not pink-slip them?

19 Q. Yes, just somebody out of control.

20 A. A lot.

21 Q. What's disorderly conduct?

22 A. It's out of control.

23 Q. What's turbulent behavior?

24 A. It's out of control, ma'am.

25 Q. Okay. So you talked about this

1 situation where the person had the firearm and  
2 they were saying they were bugged, somebody is  
3 trying to kill them, right --

4 A. Yes, ma'am.

5 Q. -- and you ended up taking them to  
6 Deaconess --

7 A. Yes, ma'am.

8 Q. -- right?

9 A. Yes, ma'am.

10 Q. Was that person combative?

11 A. No, ma'am.

12 Q. Was that person aggressive?

13 A. No, ma'am.

14 Q. Was that person hyperactive?

15 A. No, ma'am.

16 Q. Did that person rush at you?

17 A. No, ma'am.

18 Q. Did that person do as you asked them to  
19 do?

20 A. Yes, ma'am.

21 Q. When you first approached that person,  
22 where were they?

23 A. They were in their room.

24 Q. They were what?

25 A. Inside their room.



1 Q. Who let you in their apartment or  
2 condo?

3 A. He was inside the Comfort Inn.

4 Q. Oh, a Comfort Inn?

5 A. Yes.

6 Q. He was in a hotel?

7 A. Hotel, yes, ma'am.

8 Q. And how were you able to get in the  
9 room?

10 A. We talked. He called us from the front  
11 desk. We talked to him from the front desk.

12 Q. So you talked to him over the  
13 telephone?

14 A. Correct.

15 Q. So when you first spoke to him,  
16 were you physically with him?

17 A. No. When we spoke to him the first  
18 time, we tried to get him out from his room to  
19 the lobby area, and then he refused. He said,  
20 somebody is out there going to try to kill me.

21 So we had to do another tactic.

22 Q. And what was that?

23 A. That would be trying to see, you know,  
24 can we come up and talk to you? Can you tell  
25 us -- if we tell you who we are when we get

1     there, will you open the door?

2                     That's what happened.

3             Q.     And what kind of tactical  
4     considerations were you making about the fact  
5     that you realized he had a firearm? Were there  
6     tactical considerations around that point?

7             A.     Just talking to him. Is it secured?  
8     Don't point it at us.

9                     You know, when we got to the hallway,  
10    it was a long hallway, so we had no cover. We  
11    were just praying and hoping that he doesn't come  
12    out -- even though he was calm and talking to  
13    people, talking to us, we still weren't sure if  
14    he was just going to come out and start shooting  
15    at us.

16            Q.     Right.

17                    So what happened? Did he come out?

18            A.     He did. We got close, two doors down  
19    from him. We yelled out his name and told him  
20    who we are. I went across underneath on the  
21    floor, kind of on the other side, so when he  
22    opens the door, we could talk to him.

23                    And he opened the door and we told him,  
24    let's see your hands, let's see your hands, and  
25    we talked to him.

1 Q. So he showed his hands to you?

2 A. Correct.

3 Q. Did you have your guns drawn?

4 A. No.

5 Q. So in this situation you had a  
6 conversation with him and you were able to find  
7 out a little bit about him?

8 A. Yes, ma'am.

9 Q. And you were able to use that?

10 A. Yes, ma'am.

11 Q. Were you able to determine if he was  
12 suffering from excited delirium?

13 A. No, ma'am.

14 Q. Were you able to determine whether he  
15 was suffering from some other psychosis?

16 A. No.

17 Q. You had a conversation with  
18 Ms. Gonzales-Martin about use of force and your  
19 use-of-force history?

20 A. Yes, ma'am.

21 Q. There are certain times, when you put  
22 your hands on someone and use force, that there's  
23 a use-of-force report; is that fair?

24 A. Yes, ma'am.

25 Q. And are there other times when you

1 touch people where there's no use-of-force report  
2 that's mandated by your policies?

3 A. Yes, ma'am.

4 Q. And would a hard-hands technique, would  
5 that require a use-of-force report?

6 A. Yes, ma'am.

7 Q. And are those done by your  
8 supervisors?

9 A. Yes, ma'am.

10 Q. And what about subject control; do  
11 those require a use-of-force report?

12 A. No, ma'am.

13 Q. Did I hear you correctly in your  
14 testimony that, since you've been on patrol,  
15 other than -- and let's take out this Roell  
16 situation -- have there been any occasions where  
17 a use-of-force report was done regarding a  
18 subject interaction that you've had?

19 A. I believe one, but I don't know if that  
20 was -- I don't recall if that was during the  
21 beginning of my training. I don't know if the  
22 sarge did a -- I know I did an incident report  
23 when it happened.

24 Q. You know you did an incident report?

25 A. Correct, I did a report of what

1 happened and that was it. I don't know if he did  
2 a use-of-force or not.

3 Q. So the incident report is different  
4 than a use-of-force report; is that correct?

5 A. Yes, ma'am.

6 Q. Is an incident report different than a  
7 taser electric stun device report, as you guys  
8 call it?

9 A. Yes, ma'am.

10 Q. Okay. Let's look at Exhibit 22.

11 Do you recall talking to  
12 Ms. Gonzales-Martin about this?

13 A. Yes, ma'am.

14 Q. Now, Ms. Gonzales-Martin said that you  
15 were disciplined for your use of force in this  
16 case.

17 Is that your understanding?

18 A. Yes, ma'am.

19 Q. Were you disciplined because you used  
20 your baton or were you disciplined because you  
21 didn't report it to the right person?

22 A. With this one, because I didn't report  
23 it to the right person.

24 Q. So you weren't disciplined for using  
25 the baton?

1 A. Correct.

2 Q. So in your mind, because -- if I'm  
3 understanding you correctly, because you were  
4 disciplined for failing to follow this policy of  
5 reporting it to the right person, that was a  
6 discipline for excessive force?

7 A. Yes, ma'am.

8 Q. What?

9 A. Yes, ma'am.

10 Q. All right. Because when I hear you say  
11 that, I thought you meant you were disciplined  
12 because you chose to use intermediate force of  
13 using your baton in this particular incident.

14 A. Right, I used it.

15 Q. You did use it?

16 A. Right, right.

17 Q. But were you disciplined because you  
18 chose to use it or were you disciplined because  
19 you didn't report it correctly?

20 A. I was disciplined because I didn't  
21 report it correctly to the person.

22 Q. Now, who did -- did you report it to  
23 anyone?

24 A. Yes. The patrol officer that came on  
25 did the report and took the gentleman down, and

1     also a UC officer while he was handcuffed.

2           Q.     Okay.  So let me understand.

3                   Were you on a detail?

4           A.     Yes, ma'am.

5           Q.     Where was your detail?

6           A.     Kingsgate Hotel.

7           Q.     Where?

8           A.     Kingsgate Hotel.

9           Q.     And what does it mean to be on a  
10    detail?

11          A.     Off-duty is hired by either a promoter  
12    to basically just be there, be a presence.

13          Q.     Now, are you in uniform?

14          A.     Yes, ma'am.

15          Q.     And you have all the equipment that you  
16    and Mrs. Gonzales-Martin went over; is that  
17    right?

18          A.     Yes, ma'am.

19          Q.     You're a peace officer, but on private  
20    detail?

21          A.     Yes, ma'am.

22          Q.     Do you have arrest powers?

23          A.     Yes, ma'am.

24          Q.     And so this was someone at the hotel?

25          A.     It was a party that they had.  There

1 was over 300 people, I believe.

2 Q. Wow.

3 How did you get involved?

4 A. A gentleman was very drunk and we tried  
5 to escort him out.

6 Q. Who's we?

7 A. My partner and I.

8 Q. Who's that?

9 A. I think it was Jacob Richmond.

10 Q. Was he on a detail, as well?

11 A. Yes, he would be.

12 Q. So you tried to escort him out because  
13 he was disorderly?

14 A. Yes, he was disorderly, very drunk. He  
15 was grabbing other patrons. The promoter asked  
16 us, hey, he's over there, you know --

17 Q. So you tried to --

18 A. -- hitting on --

19 Q. Oh, hitting on women?

20 A. Yeah, grabbing them by --

21 Q. What?

22 A. Grabbing them by the buttocks.

23 Q. So he's grabbing women's butts?

24 A. Yeah.

25 Q. Okay. So they wanted him out?



1 A. Yes, ma'am.

2 Q. He's not part of the party at this  
3 point?

4 A. Yes, ma'am.

5 Q. So you guys try to escort him out?

6 A. Yes, ma'am.

7 Q. What did you do?

8 A. Grabbed him by his left arm --

9 Q. Uh-huh.

10 A. -- and he resisted.

11 Q. What did he do?

12 A. He tried to come around me --

13 Q. Uh-huh.

14 A. -- and he tried to do a bear hug.

15 And I'm short, so I just kind of went  
16 underneath his arms and did an arm bar and put  
17 him on the ground.

18 Q. Okay. Then what happened? How was it  
19 that you took out your baton? Tell me about  
20 that.

21 A. I was trying to get -- his arms was  
22 underneath, and I was trying to get the baton  
23 right between his arms so I can put his arms back  
24 there.

25 Q. Is that a subject-control technique --

1 A. Yes, ma'am.

2 Q. -- with the use of your baton?

3 A. Yes, ma'am.

4 Q. So that's not a hard-hands technique  
5 yet?

6 A. No, ma'am.

7 Q. Is that something you're trained to  
8 do?

9 A. Yes, ma'am.

10 Q. So you were attempting to do that?

11 A. Right.

12 Q. Then what happened?

13 A. And I couldn't get it on there and I  
14 tried to hit him on his common peroneal.

15 Q. What's the common peroneal, for --

16 A. Side --

17 Q. What?

18 A. The side of the thigh.

19 Q. Okay. Is that someplace you're trained  
20 to hit people?

21 A. Yes, ma'am.

22 Q. And how did you hit him?

23 A. Tried to hit him in a striking  
24 motion.

25 Q. With your baton?

1 A. Yes, ma'am.

2 Q. Is that a hard-hands technique you're  
3 trained to use to get a subject under control?

4 A. Yes, ma'am.

5 I tried to get him down. And when he  
6 swung, he turned --

7 Q. Uh-huh.

8 A. -- and I got him in the buttocks.

9 Q. You got him in the butt?

10 A. Correct.

11 Q. All right. So you hit him in the butt  
12 and then what happened?

13 A. And he fell -- not fell, but kind  
14 of did a kind of thing.

15 And he finally got his arm up and I was  
16 able to grab his arm. And that was it.

17 Q. Okay. So the hard-hands technique of  
18 using the baton worked?

19 A. Yes, ma'am.

20 Q. Up until the point where you elected to  
21 use the hard-hand technique, were the other  
22 subject-control techniques that you were trained  
23 to use -- were they working?

24 A. No.

25 Q. Now, once you got him under control,

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1 did you continue to beat him about the head and  
2 person with your baton, sir?

3 A. No, ma'am.

4 Q. Once you got him under control, did you  
5 pepper spray him?

6 A. No, ma'am.

7 Q. Once you got him under control, did you  
8 hit him in any way?

9 A. No.

10 Q. So at this point you said you reported  
11 this to someone, someone from the patrol?

12 A. Patrol, yes, ma'am.

13 Q. So am I to understand that someone from  
14 the sheriff's department responded to the  
15 scene?

16 A. Yes, ma'am.

17 Q. Why was that? Did you call them?

18 A. Yes, ma'am, so we can get them down to  
19 the justice center.

20 Q. So since you had elected -- had you  
21 elected to charge him with something, sir?

22 A. Yes, ma'am.

23 Q. But were you able to leave the detail  
24 and transport him downtown to be processed  
25 through the justice center?

1 A. Yes, ma'am.

2 Q. You could leave?

3 A. No, I couldn't leave. The patrol  
4 officer did. Sorry.

5 Q. So you called the patrol officer to  
6 effectuate the processing of the prisoner?

7 A. Yes, ma'am, transport him.

8 Q. Do you remember who that was, the  
9 patrol officer? It's okay --

10 A. I don't remember.

11 Q. So he gets there, and you said you  
12 reported this use of the baton by him.

13 What do you mean by that?

14 A. Told him what happened with the  
15 incident.

16 Q. Now, on this particular incident that  
17 we're talking about, were you on duty with the  
18 sheriff's department?

19 A. Yes, ma'am.

20 Q. But who were you being paid by?

21 A. By the promoter.

22 Q. By the promoter?

23 A. Yes, ma'am.

24 Q. When I say on duty, you still have your  
25 responsibilities to the department?

1 A. Right.

2 Q. Was this a regular beat?

3 A. No.

4 Q. Do you have a regular supervisor?

5 A. Right now, yes, ma'am.

6 Q. Well, back in the day?

7 A. Back then, no, ma'am.

8 Q. You didn't have one? Were you only on  
9 a detail at that point?

10 A. Corrections.

11 Q. Oh, you were in corrections.

12 A. Yes, ma'am.

13 Q. So your supervisor would have been a  
14 corrections officer?

15 A. Yes, ma'am.

16 Q. Did you know who the supervisor was  
17 that would have supervised the patrol officer  
18 that you reported this to?

19 A. No.

20 Q. Did the patrol officer you reported  
21 this to, did he say to you, hey, hey, we need to  
22 get my supervisor here to do a use-of-force  
23 report? Did he tell you that?

24 A. I don't believe so.

25 Q. Did he appreciate, even though you were

1 on a detail, that a use-of-force report was  
2 necessary?

3 A. No.

4 Q. Huh?

5 A. Did he appreciate it?

6 Q. Yeah.

7 A. No.

8 Q. Or do you know?

9 A. I don't know if he did or not.

10 Q. You were in corrections. Did you know  
11 that a use of force report would be necessary?

12 A. Right.

13 Q. Okay. Did you know, other than this  
14 patrol officer, who to contact about doing  
15 that?

16 A. No.

17 Q. At any time during this discipline, did  
18 anyone indicate to you that your subject-control  
19 technique of using the baton was excessive  
20 force?

21 A. No.

22 Q. Now, you discussed with  
23 Ms. Gonzales-Martin another situation where you  
24 were guarding someone at the hospital.

25 Was that at UC?

1 A. Yes, ma'am.

2 Q. And what was that subject arrested for,  
3 if you recall?

4 A. I don't remember what his arrest were,  
5 but there was two officers. Normally, if there's  
6 two officers, they're a risk to something, if  
7 they've done something that was more violent than  
8 normal.

9 Q. So it could have been a risked flee or  
10 it could have been a violent situation; you don't  
11 recall?

12 A. I don't recall.

13 Q. You were there with another officer?

14 A. Yes, ma'am.

15 Q. And were you by yourself with the  
16 prisoner when he managed to scoot into a room or  
17 was the other officer there with you?

18 A. The other officer was by the door.

19 Q. By what door?

20 A. The C-pod door, the entrance to the  
21 pod.

22 Q. To the pod?

23 A. Right.

24 Q. Where are you?

25 A. University ER.



1 Q. ER?

2 A. Yes, ma'am.

3 Q. So they have pods there?

4 A. Yes, ma'am.

5 Q. Were you in a room or behind one of  
6 those curtains?

7 A. Behind curtains, yes.

8 Q. So where was the person who was in your  
9 custody? Was he on the gurney? Was he standing  
10 up? Where was he?

11 A. He was going to the bathroom.

12 Q. He was going to the bathroom?

13 A. Yes.

14 Q. Had you escorted him to the bathroom?

15 A. Yes.

16 Q. So he was no longer behind the curtain;  
17 he was actually inside the restroom?

18 A. Inside the restroom, yes.

19 Q. With the door shut?

20 A. Yes.

21 Q. You didn't go in there with him?

22 A. No.

23 Q. So you were standing at the door?  
24 Where were you?

25 A. The door was here, here was a counter,

1 and right across the door, basically.

2 Q. I'm sorry. Do that for me again.

3 A. The bathroom was here, the counter is  
4 here, and I was right here.

5 Q. So there was a counter between you and  
6 the bathroom, the door?

7 A. Yes, ma'am.

8 Q. And you indicated to  
9 Ms. Gonzales-Martin that you were texting about  
10 an overtime slip?

11 A. Yes, ma'am.

12 Q. So you didn't know he did it?

13 A. No.

14 Q. The door was still closed?

15 A. Yes, ma'am.

16 Q. How is it that you came to know he left  
17 the bathroom to go into this other room?

18 A. One of the ladies that was -- there's a  
19 room next door, bathroom. One of the ladies said  
20 that -- told the nurse, hey, someone was in my  
21 room, I believe, and then -- I don't recall -- he  
22 was gone already. And he was still in the  
23 bathroom.

24 And that's when we said, hey, I think  
25 this guy went to his room and I want to talk to

1 him. I said, did you leave it all? Because I  
2 didn't leave the door open. And he said, no, I  
3 didn't go anywhere.

4 And what happened was -- he told me  
5 after the fact -- when I looked down, he timed it  
6 right off the bat where the cart was coming,  
7 another gurney was coming through, he slipped  
8 out. He knew he couldn't go out this way. He  
9 thought it was another room that had a door and  
10 he realized, oh, crap, there's nothing, can't go  
11 out there, and went back in the bathroom.

12 Q. So that happened in 2010?

13 A. Yes.

14 Q. And the Roell incident was in 2013,  
15 right? I mean, the Roell incident was in 2013,  
16 right? This happened in 2010?

17 A. Yes, ma'am.

18 Q. So is it fair to say at least in 2010  
19 you got a real quick lesson in how quickly  
20 somebody can slip out of your control?

21 A. Yes, yes.

22 Q. You looked down, you looked back up,  
23 the back door was still shut?

24 A. Yes, ma'am.

25 Q. So was that a matter of how long?

1 A. Seconds.

2 Q. He went into someone else's room and  
3 could have hurt somebody?

4 A. Yes, ma'am.

5 Q. What did you learn from that?

6 A. Oh, shit.

7 Q. Uh-huh. A couple times you described  
8 requals, r-e-q-u-a-l-s. I'm spelling it for the  
9 court reporter and for the record.

10 Were you just meaning requalifications?

11 A. Yes, ma'am.

12 Q. Okay. Let's look at Exhibit 21.

13 Do you recall discussing the Linsley  
14 incident with Ms. Gonzales-Martin?

15 A. Yes, ma'am.

16 Q. Now, can you tell me, is it correct  
17 that you were disciplined in this case for  
18 failing to complete a use-of-force --  
19 use-of-force incident report while you were in  
20 corrections?

21 A. Yes, ma'am.

22 Q. Mr. Linsley had -- isn't it correct  
23 that Mr. Linsley had some head injuries?

24 A. That's what they said, yes.

25 Q. That's what they said?

1 A. Yes, ma'am.

2 Q. Did you ever observe any head injuries  
3 to Mr. Linsley?

4 A. No, ma'am.

5 Q. When you placed Mr. Linsley in the  
6 cell, could you describe for us how you do  
7 that?

8 A. We had him under control.

9 Q. Who's we?

10 A. Deputy Worley and I.

11 Q. Worley?

12 A. Worley, yes.

13 Q. When you had him in control, what do  
14 you mean by that?

15 A. Handcuffed.

16 Q. Okay. Behind his back or in front,  
17 if you remember?

18 A. You know what? I don't believe he was  
19 handcuffed. I can't remember.

20 Q. Okay. That's fair.

21 But when you say you had him in  
22 control, what's your memory of that.

23 And if you don't remember, that's  
24 fine.

25 A. Just arm bar technique. I'm using the

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1 arms. I was the right side of his arm. We kind  
2 of pushed him into the cell itself.

3 Q. I'm good at faking this, but I really  
4 don't have any idea what arm bar means.

5 So can you tell us what you mean by the  
6 arm bar technique? I'm not going to let you do  
7 it to me. I've seen somebody make those  
8 mistakes.

9 A. You grab the arm and shoulder at the  
10 same time and you're basically here. You're  
11 controlling the arm. So wherever he goes, you  
12 go. You can move the person pretty well with the  
13 arm bar as long as he doesn't swing with the  
14 other hand.

15 Q. Okay. Okay. So am I then correct in  
16 having the view that the arm bar is basically  
17 you're taking the arm and you're controlling it  
18 so it becomes one unit like a bar --

19 A. Yes, ma'am.

20 Q. -- and you can move people around?

21 A. Yes, ma'am.

22 Q. Okay. I don't know anything about it,  
23 but I'm kind of a quick study. All right.

24 So you had him in the arm bar and you  
25 and Worley were controlling him?

1 A. Yes, ma'am.

2 Q. What happened then?

3 A. We had him in an arm bar. He went to  
4 the back, like back of the wall. There's a cell  
5 right there by the window. And when he hit, he  
6 kind of went down a little bit.

7 So I kind of grabbed him. And instead  
8 of trying to put cuffs on him in the back, which  
9 I was trying to, which there was a wall there, so  
10 I pulled him this way, away from the wall.

11 And then I put my head down so in case  
12 he does try to spit, because he's been spitting  
13 already.

14 Q. Right.

15 A. I put my head right close to his head  
16 about right here --

17 Q. Uh-huh.

18 A. -- so if he spits, he's not going to be  
19 able to get me.

20 Q. Uh-huh.

21 A. And then I was controlling the arm. I  
22 couldn't remember who the other person was  
23 controlling the other arm.

24 And then he kind of went up like this  
25 from the wall -- or from the floor. And then all

1 of a sudden he, you know, kind of went like, oh,  
2 cool, grab him, grab him. Put him back in the  
3 cell. That was it.

4 Q. When Mr. -- excuse me -- when  
5 Mr. Linsley hit his head -- or I should say when  
6 Mr. Wheeler went against the wall, did he hit his  
7 head?

8 A. No.

9 Q. Did you observe any bleeding or head  
10 injury to him?

11 A. No, ma'am.

12 Q. Did you later on discover that at some  
13 point Mr. Linsley was taken to the medical unit  
14 and that he had a head injury?

15 A. Yes, ma'am.

16 Q. Now, what was your understanding of the  
17 policy in corrections? When you took Mr. Linsley  
18 under control, would that be an incident that you  
19 would write an incident report about?

20 A. Just controlling him, no.

21 Q. Just controlling him, no?

22 A. No.

23 Use of force would be punching,  
24 hitting, or using an open-hand technique trying  
25 to get him down.



1 Q. So you're making a movement with the  
2 heel of your hand against the other hand?

3 A. Yes, ma'am.

4 Q. Would that be considered a hard-hands  
5 technique?

6 A. Yes, ma'am.

7 Q. So your understanding of the policy was  
8 that if you used a hard-hands technique, that  
9 would trigger an incident report; is that  
10 right?

11 A. It would, and police report, yes,  
12 ma'am.

13 Q. So it was your understanding of the  
14 policy at the time that you're taking control of  
15 Mr. Linsley and putting him in the cell -- it was  
16 your understanding that that should have  
17 triggered an incident report for you? Did you  
18 think that that should have?

19 A. No, it shouldn't.

20 Q. I think I just asked you this, but did  
21 you ever use any hard-hands control techniques  
22 with Mr. Linsley?

23 A. No.

24 Q. Who's Lieutenant Tudor?

25 A. He is -- he was in charge of the

1 internal affairs.

2 Q. And was it Lieutenant Tudor who did  
3 this investigation that resulted in your  
4 discipline?

5 A. Yes, ma'am.

6 Q. Were you aware that Lieutenant Tudor  
7 testified that he considered any touching, even  
8 in the jail environment, a touching that would  
9 trigger an incident report?

10 A. I heard that, yes, ma'am.

11 Q. I beg your pardon?

12 A. I heard that, yes, ma'am.

13 Q. And were you aware that, in the course  
14 of Lieutenant Tudor's investigation, that he  
15 actually was unaware that there were different  
16 use-of-force policies in the corrections  
17 department versus the patrol department?

18 A. Yes, ma'am.

19 Q. What?

20 A. Yes, ma'am.

21 Q. And were you aware that, in his  
22 investigation of this incident, that  
23 Lieutenant Tudor used the excessive-force policy  
24 in effect in the patrol division to evaluate the  
25 situation instead of that in effect in

1 corrections?

2 A. Yes, ma'am.

3 Q. Were you aware that Lieutenant Tudor  
4 testified in his deposition in that case that he  
5 had not attended any of the use-of-force updates  
6 because he didn't think it was necessary because  
7 he didn't deal with the public?

8 A. Yes, ma'am.

9 Q. I beg your pardon?

10 A. Yes, ma'am.

11 Q. Were you aware that in investigating  
12 this use-of-force incident, that Lieutenant Tudor  
13 testified that he didn't think it was his  
14 responsibility to determine how Mr. Linsley was  
15 injured and how he, in fact, received that head  
16 injury?

17 A. Yes, ma'am.

18 Q. Were you aware that Lieutenant Tudor  
19 testified in his deposition in that case that he  
20 didn't interview Sergeant Menkhaus?

21 A. Yes, ma'am.

22 Q. Were you aware that, in his  
23 deposition testimony, Lieutenant Tudor testified  
24 that he didn't interview any of the fact  
25 witnesses that might have given him information

1 as to how, in fact, Mr. Linsley received that  
2 head injury?

3 A. Yes, ma'am.

4 Q. Were you aware in that case, the  
5 Linsley case filed in federal court, that  
6 Judge Beckwith ruled that Lieutenant Tudor's  
7 testimony could not come into evidence because it  
8 was unreliable?

9 A. Yes, ma'am.

10 Q. And were you aware in that prior  
11 incident, that federal court case, that  
12 Judge Beckwith ruled that Lieutenant Tudor could  
13 not testify in that case because his conclusions  
14 were unreliable?

15 A. Yes, ma'am.

16 Q. Were you aware in Mr. Linsley's case in  
17 the Sixth Circuit, that there was mediation, and  
18 that mediation was actually canceled because the  
19 Sixth Circuit mediator was concerned about her  
20 safety and the safety of the other court  
21 personnel as a result of Mr. Linsley's combative  
22 behavior?

23 A. Yes, ma'am.

24 Q. Were you aware, in that litigation that  
25 was filed in federal court in front of

1 Judge Beckwith, that the court clinic  
2 psychiatrist was prepared to testify that  
3 self-harm, including head banging, is a  
4 characteristic of paranoid schizophrenics that  
5 are subject to confinement?

6 A. Yes, ma'am.

7 Q. And were you aware that Mr. Linsley's  
8 forensic history included prior occasions in  
9 which he had banged his head?

10 A. Yes, ma'am.

11 Q. If there had been a situation where, in  
12 your experience, an incident report for use of  
13 force was called for in the jail, in corrections,  
14 when would the policy indicate that you would  
15 have to prepare that report? Was there a time  
16 frame?

17 A. No, ma'am. As soon as -- at the end of  
18 your shift.

19 Q. At the end of your shift, that's what I  
20 meant.

21 A. Yes, ma'am.

22 Q. So, for example, this incident with  
23 Mr. Linsley, did this happen at the end of your  
24 shift?

25 A. No, ma'am. It was the beginning.

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1 Q. At the beginning of your shift?

2 A. Yes, ma'am.

3 Q. And by the time you were, I guess,  
4 addressed about the fact that you hadn't done  
5 this incident report, was that within the same  
6 shift?

7 A. Yes, ma'am.

8 Q. So even if this were a situation where  
9 you had to do an incident report, the time frame  
10 in which you would have had to do it had not  
11 lapsed yet?

12 A. No, ma'am.

13 Q. But, nevertheless, you were  
14 disciplined; is that correct?

15 A. Yes, ma'am.

16 Q. You said you had your flashlight out  
17 that night?

18 A. Yes, ma'am.

19 Q. Was it dark out there?

20 A. Yes, ma'am.

21 MS. SEARS: If I could have a minute,  
22 please.

23 VIDEOGRAPHER: We're off the record.

24 (A recess was taken from 1:31 to 1:42.)

25 VIDEOGRAPHER: We're on the record.

<http://www.elysian.net/help>

1 BY MS. SEARS:

2 Q. Deputy Dalid, my colleagues alerted me  
3 to something I'd like to ask you about.

4 In your first conversation with  
5 Ms. Gonzales-Martin about the Linsley incident,  
6 there is some memory that -- in response to the  
7 question of, did you know you were supposed to  
8 write a report, some memory of a response having  
9 to do with the end of your shift.

10 A. Yes, ma'am.

11 Q. In my conversation with you about that  
12 same incident, I asked you whether or not the  
13 incident itself, in your view at the time, gave  
14 rise to an incident report, and you said, no.

15 A. Right.

16 Q. So those answers seem to be  
17 conflicting. So what I'd like to do is ask you,  
18 if you could, to explain that.

19 At some point in the shift, did you  
20 have a conversation with Sergeant Menkhaus?

21 A. Yes, ma'am.

22 Q. Could you tell us about that, please?

23 A. When I was eating my lunch, he brought  
24 it to my attention that the gentleman,  
25 Mr. Linsley, had injuries on him and he had to go

1 to the hospital.

2 Q. Okay.

3 A. And I told him, I didn't know that; I  
4 didn't see anything.

5 Q. Okay. And then what?

6 A. And he said, well, go ahead and write  
7 an incident on it, what happened, and we'll go  
8 from there.

9 Q. And did you?

10 A. Yes, ma'am.

11 Q. But, nevertheless, were you disciplined  
12 for not writing an incident report at the time  
13 the incident occurred?

14 A. Yes, ma'am.

15 Q. By Lieutenant Tudor?

16 A. Yes, ma'am.

17 Q. And then one other thing I forgot to  
18 ask you was, after -- can you tell me -- as  
19 Mr. Roell went into cardiac arrest and then as he  
20 was attempted to be resuscitated and then  
21 ultimately it turned out that he could not be  
22 revived, can you tell me how you were feeling at  
23 the time of that incident about everything that  
24 had happened?

25 A. Well, when I didn't feel any pulse on



1 him and, you know, my first instinct was, you  
2 know, oh, shit, you know, he's not breathing,  
3 we got to get something going on. I was, you  
4 know, very shocked, like, you know -- and that's  
5 when Sergeant Steers -- or Corporal Steers at  
6 that time, said, get out of the way. Started  
7 doing CPR. That's when he started doing it. He  
8 said, go get the squad; make sure he knows  
9 exactly where we're at.

10 You know, any incident, you don't want  
11 to lose anybody, anybody to die from an incident.  
12 You know, I felt like crap, you know.

13 Q. Were you shaken up by the experience?

14 A. Yes, ma'am.

15 Q. Did it emotionally affect you, sir?

16 A. Yes, ma'am.

17 Q. And how did it emotionally affect  
18 you?

19 A. Just with my kids and, you know, my  
20 family.

21 And the wife seen it. And when they  
22 saw it on the news, that's why I called my son  
23 and I said, hey, tell Mom I won't be home, tell  
24 Mom I'll be home late.

25 You know, told him what happened. I

1 said, just tell her that I'll be home late. And  
2 that's when she found out on the news.

3 And it's been a wreck. It's been  
4 stress ever since. It's not -- that's the way I  
5 feel about it.

6 MS. SEARS: Nothing further.

7 FURTHER EXAMINATION

8 BY MS. GONZALES-MARTIN:

9 Q. Please turn to Plaintiff's Exhibit 2.

10 These are some slides from the Hamilton  
11 County Sheriff's Office training. And you could  
12 flip through it if you'd like.

13 I'd like to know if you had taken this  
14 training.

15 A. Yes, ma'am.

16 Q. When?

17 A. I don't recall when.

18 Q. What about Plaintiff's Exhibit 6 -- I'm  
19 sorry -- Plaintiff's Exhibit 7.

20 This is slides from an online course  
21 called Deescalating Mental Health Crises.

22 A. Uh-huh.

23 Q. Have you taken this training?

24 A. Yes, ma'am.

25 Q. When?

1 A. I don't remember what year.

2 Q. I want to ask you about the commands  
3 that you heard given.

4 You heard Deputies Huddleston or  
5 Alexander command Mr. Roell to get out of the  
6 back yard, right?

7 A. I did not hear that.

8 Q. You wrote in your narrative the night  
9 of the incident that you heard them give verbal  
10 commands for the subject to get out of the back  
11 yard, right?

12 A. I --

13 Q. You can turn to Plaintiff's Exhibit 20.

14 A. I must have.

15 Q. And you heard -- well, you said that,  
16 we gave verbal commands to give up his hands.

17 You heard that command, right?

18 A. Right.

19 Q. And you heard the command to roll to  
20 his stomach, right?

21 A. Correct.

22 Q. You didn't hear a command to stop,  
23 correct?

24 A. Stop at --

25 Q. You didn't hear a command for

1 Gary Roell to stop at any point, right?

2 A. No, not when we were controlling  
3 him.

4 Q. You didn't hear a command for  
5 Gary Roell to stop at any point in the  
6 interaction with Mr. Roell, right?

7 A. Right.

8 Q. One point where I just read from your  
9 narrative, you said, We gave verbal commands.  
10 So you gave commands, also, right?

11 A. Which was during the first contact,  
12 yes.

13 Q. A call to request EMS only takes a  
14 second or two, right?

15 A. It depends.

16 Q. Well, you take your hand and put it on  
17 your shoulder at your radio and ask -- push the  
18 button and ask for EMS, right?

19 A. Correct. And it also has a  
20 second delay of a beep before it comes up,  
21 correct.

22 Q. Okay. So you push the button --

23 A. It beeps, and then you talk.

24 Q. -- it beeps, and then you say, request  
25 EMS?

1 A. Uh-huh.

2 Q. So in a perfect world, in a coulda  
3 woulda shoulda instance, you could have pushed  
4 the button, taken a second or two to ask for EMS,  
5 so that as soon as you got Mr. Roell under  
6 control, EMS would be there, right?

7 A. In a perfect world, yes.

8 Q. And in those many scenarios that you  
9 went over with your attorney, this coulda woulda  
10 shoulda game that you played, all those scenarios  
11 are speculation, right?

12 A. Yeah. I mean, coulda shoulda woulda.

13 Q. Please turn to Plaintiff's Exhibit 15.

14 This is a photo of the patio that was  
15 involved in the incident, right?

16 A. Yes.

17 Q. And you heard the other deputies  
18 testify that the fence around the patio is about  
19 6-feet tall, right?

20 A. Right.

21 Q. Would you agree that's an accurate  
22 estimate?

23 A. I don't know. I guess, yeah.

24 Q. And you can see in this photo,  
25 Plaintiff's Exhibit 15, that the latch for the

1 door is about a little more than halfway up the  
2 fence, right?

3 A. Right.

4 Q. So it's about 4-feet high, max,  
5 right?

6 A. Right.

7 Q. So you could have reached that latch,  
8 right?

9 MS. SEARS: Objection.

10 A. I could not.

11 BY MS. GONZALES-MARTIN:

12 Q. You're 4'11", right?

13 A. Correct.

14 But when you're in a heightened state,  
15 going 90 miles per hour, you're breathing and  
16 everything else, you tend to focus on one thing  
17 and you're looking at something that might be a  
18 little higher or a little shorter and you start  
19 looking at it and you say, oh, well, maybe I  
20 can't reach that.

21 Q. Did anyone -- did you or  
22 Deputy Huddleston or Deputy Alexander order the  
23 family inside of this residence into a bathroom  
24 or bedroom?

25 A. No. We didn't have time.

1 Q. Your attorney asked you about the times  
2 that Mr. Roell got calm or snored and then would  
3 get agitated again.

4 Do you remember that?

5 A. Yes.

6 Q. And you said that he snored twice?

7 A. Correct.

8 Q. But did he also get calm other times  
9 without snoring?

10 A. The first time of the incident with the  
11 snoring when I tried to get him controlled and he  
12 snored and I looked at him like, oh, shit, what's  
13 going on, that's when I called EMS.

14 And then once I called, everything was  
15 calm, he got agitated again, and then I had to  
16 control him again.

17 And then after that, he snored again  
18 and he kept on being combative.

19 Q. Were there any other times of calm, but  
20 he just didn't snore?

21 A. Correct.

22 Q. But you're not sure how many? A few  
23 times?

24 A. No, I don't know how many.

25 Q. When he -- the two times that you said

1 he snored, was Mr. Roell already cuffed and  
2 shackled?

3 A. He was cuffed in the front, not -- I  
4 don't recall if he was shackled or not. I can't  
5 remember.

6 Q. He may have been shackled?

7 A. He might have been shackled. I don't  
8 know. I know he was cuffed in the front this  
9 way.

10 MS. GONZALES-MARTIN: Nothing further.

11 FURTHER EXAMINATION

12 BY MS. SEARS:

13 Q. I have a couple of things.

14 Officer, is there a difference between  
15 being in custody and under control?

16 A. In custody is when you have  
17 everything -- there is a difference between those  
18 two.

19 Q. What is it?

20 A. Under control is when you have somebody  
21 and he's not fighting anymore, he's not  
22 resisting, he's not doing anything. That's when  
23 you have somebody under control.

24 When he's in custody is when you  
25 already have him up, sat him in a cruiser, and



1 good to go.

2 Q. In your experience, have you had  
3 experience involving EMTs responding to a scene  
4 and treating subjects?

5 A. Yes.

6 Q. And will an EMT treat a subject who is  
7 in custody, but not under control?

8 A. No.

9 Q. And who determines if the EMT will  
10 approach a subject in terms of whether the EMT is  
11 under -- excuse me -- the subject is under  
12 sufficient control or not? Do you determine that  
13 or does the EMT determine it?

14 A. We have to determine, make sure that  
15 the safety -- you know, everything is secure and  
16 safe for them to approach.

17 Q. But if the EMT says, I'm not going  
18 near it, can you make the EMT go near the  
19 subject?

20 A. No.

21 Q. And how much time -- if you can,  
22 tell me, if you can -- how much time elapsed  
23 between the last time Mr. Roell got calm and  
24 the time in which you determined that there  
25 was no pulse? Do you have any sense of

1 that?

2 A. No, ma'am, I don't.

3 MS. SEARS: That's it.

4 Did it cause anything on your side  
5 there?

6 FURTHER EXAMINATION

7 BY MS. GONZALES-MARTIN:

8 Q. Would you agree that it's easier to  
9 get prompt medical service if EMT is on the  
10 scene?

11 A. Do I agree what? I'm sorry.

12 Q. It's easier to get prompt medical  
13 treatment if EMTs are on the scene?

14 MS. SEARS: Objection.

15 A. No.

16 MS. SEARS: But you can answer.

17 A. No. We still have to control them  
18 and get them together before they even come  
19 out.

20 BY MS. GONZALES-MARTIN:

21 Q. But you would agree that if EMTs  
22 are on the scene when you have them under  
23 control, it's easier to get prompt medical  
24 treatment?

25 A. Yes.

1 FURTHER EXAMINATION

2 BY MS. SEARS:

3 Q. Is there a difference between being on  
4 scene and staging?

5 A. Correct.

6 Q. Will an EMT come on scene if a subject  
7 is under control, in your experience?

8 A. No.

9 Q. Will they stage?

10 A. They will stage, yes.

11 Q. And where will they stage?

12 A. They will stage maybe, you know, a  
13 block down over. And then after they stage and  
14 we tell them, all right, he's in custody, we got  
15 him together, we got him in control, then they  
16 come up and be on the scene.

17 FURTHER EXAMINATION

18 BY MS. GONZALES-MARTIN:

19 Q. Would you agree that it's easier to get  
20 prompt medical treatment if EMTs are staged?

21 MS. SEARS: Prompt? Objection.

22 A. Prompt? Like, well, okay, they're here  
23 so -- yes.

24 MS. GONZALES-MARTIN: Nothing further.

25 MS. SEARS: Nothing further.

<http://www.yeslaw.net/help>

1 VIDEOGRAPHER: We're off the record.

2 MR. GERHARDSTEIN: I assume you're  
3 going to have him sign.

4 MS. SEARS: Yes.

5

6

  
WILLY J. DALID

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10 DEPOSITION ADJOURNED AT 1:55 P.M.

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1 C E R T I F I C A T E

2

3 STATE OF OHIO :  
4 : SS  
5 COUNTY OF HAMILTON :

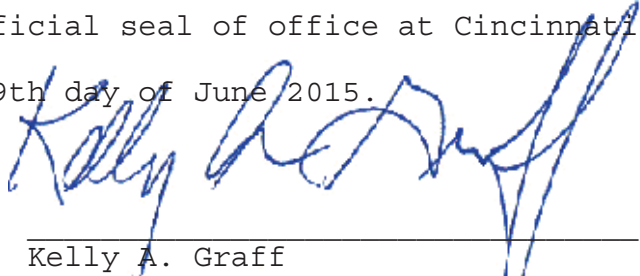
6

7 I, Kelly A. Graff, the undersigned, a  
8 duly qualified and commissioned notary public  
9 within and for the State of Ohio, do certify that  
10 before the giving of his deposition, WILLY J.  
11 DALID was by me first duly sworn to depose the  
12 truth, the whole truth and nothing but the truth;  
13 that the foregoing is the deposition given at  
14 said time and place by WILLY J. DALID; that I am  
15 neither a relative of nor employee of any of the  
16 parties or their counsel, and have no interest  
17 whatever in the result of the action.

18

19 IN WITNESS WHEREOF, I hereunto set my hand  
20 and official seal of office at Cincinnati, Ohio,  
21 this 19th day of June 2015.

22

23   
Kelly A. Graff  
Notary Public - State of Ohio  
My commission expires October 16, 2016.

24



25

1 E R R A T A S H E E T

2 DEPOSITION OF: WILLY J. DALID

3 TAKEN: June 10, 2015

4 Please make the following corrections to my  
5 transcript:

6	Page	Line Number	Correction Made
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25		Witness Signature	Date